

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES

Plaintiff

v.

JOESPH R. JOHNSON

Defendant

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) **CASE NO. 2:19-cr-00367**  
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) **JURY TRIAL DEMANDED**  
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**MOTION FOR IMMEDIATE NEW TRIAL – BRADY VIOLATION AND  
COMBINE WITH CASE NUMBER 2:20-cv-00735 (GRANT v.  
PHILADELPHIA) AND CASE NUMBER 5:19-CV-0034 (CUTLER v.  
PELOSI) AND 4:18-cv-00167-0 FROM THE NORTHERN DISTRICT OF  
TEXAS**

Here comes Jeffrey Cutler, acting Pro se, previously filed a CHANGE IN VENUE FOR CASE 4:18-cv-00167-0 from the State of Texas to Pennsylvania and an implied combination of the cases. He also now wants to add case 2:20-cv-00735. Mr. Cutler also believe the Judge in this case has **MADE SEVERAL FALSE STATEMENTS by MAIL** in his OPINION of 03FEB2020. First of all three of the existing Defendants have **DEAULTED AND FAILED TO RESPOND**. Three additional John Doe Defendants have been served, and have yet to respond (including Mr. Michael Bloomberg, Mary Francis Yeager, and Roeshawn Johnson) Second the United States Court of Appeals in Washington DC, granted Mr. Cutler the right to **DEFEND** the **ESTABLISHMENT CLAUSE** on 14AUG2015 in an **opinion in case 14-5183**, and the action against Nancy Pelosi was based and allowed by the that opinion. Mr. Cutler On 08NOV2019 had respectfully requested the court per rule 6 direct the clerk of court declare all parties in DEFAULT for failing to respond to the document filed 08NOV2019 (ECF 101), and pursuant to Rule 55(b)(1) of the Federal Rules of Civil procedure, for entry of default against all defendants in support of this request Jeffrey Cutler relied on the record in this case and the affidavit submitted. Mr. Cutler also requested the court schedule a jury trial to determine the shared liability of all defendants in this case and provide an impartial judge with no history to any defendant in this

case such as Juan Ramon Sanchez.. Mr. Cutler had declared himself a WHISTLEBLOWER in the Commonwealth of Pennsylvania, based on ECF 102 on 03DEC2019 and identified that he believes that Jonathan Luna was MURDERED by members of the KLU KLUX KLAN. Mr. Cutler had **REQUESTED ON AN EMERGENCY BASIS SCHEDULE A START DATE FOR** A jury trial to determine the shared liability of all defendants in this case , provide an impartial judge with no history to any defendant in the cases and provide the test of the constitutionality of the Pennsylvania INPECTION LAW OF VEHICLES and constitutionality of the Affordable Care act (OBAMACARE), which was declared UNCONSTITUTIONAL BY AN APPEALS COURT ON 18DEC2019. Mr. Cutler filed an origiinal case in Washington (1-13-cv-2066 31DEC2013), which was granted the right to defend the establishment clause on 14AUG2015. Since all the defendants (except the three defendants not yet out of time) have DEFAULTED in this case, an equal distribution of the 6.5 Billion dollar requested compensation may not be the best solution. Per ECF 115 all defendants should testify under oath, and show why they failed to show **GOOD CAUSE** why **BEING OUT OF TIME**, they should be excused. Mr. Cutler per the order in United States Court of Appeals case 19-10011 states they should be DENIED. Mr. Ricahard Coe should also show cause why he USED MAIL FRAUD TO TRY AND JUSTIFY HIS

CASE to defend his client and alter the results of the court. NANCY PELOSI (SPEAKER OF THE HOUSE) should show why she has not also violated VIOLATED THE UNITED STATES CONSTITUTION AMMEND 6 (AGAINST THE PRESIDENT..RIGHT TO SPEEDY TRIAL) and RIGHT TO HAVE A LAWYER PRESENT. The President was denied these rights by the actions of Adam Shiff, just like Mr. Jammal Harris was denied these rights in the federal court Habeus Court hearing by Craig Stedman in the Lancaster County District Attorney Mr. Cutler. A **DECLARED WHISTLE BLOWER SHOULD BE PROTECTED** **WITH A CEASE AND DESIST** AGAINST THE PARTIES, THAT ARE **SOME OF THE SAME INDIVIDUALS** THAT HAVE CONSPIRED TO TRY AN FALSEY IMPEACHMENT AGAINST THE PRESIDENT USING PERJURED TESTIMONY, and he feels he has been the subject of retaliation by unknown individuals by various means including by the IRS, and other trials and stop of services. All persons mentioned by Mr. Cutler in EVERY lawsuit and their lawyers should be allowed to testify under oath to explain why on or about march 17, 2017 Amber Geen, Bian Hurter, Dennis Stuckey, Mr. Buckwalter, Ralph Hutchinson, and judge Margaret Miller along with the lawyers (Susan Peipher, Christina Hausner) all conspired to commit a bank robbery of Fulton Bank. Susan Peipher and Christina Hausner wrote a note which judge Margaret Miller signed. It was



then executed by Mark Katkovcin at Fulton Bank on or about April 3, 2017 (18 U.S.C. § 2113). The total amount of the robbery exceeded \$ 900,000.00. Mr. Cutler had arranged for his mother to mail him a birthday card and birthday check from CITIZEN's bank to the lock box he opened on or about January 07, 2014 with a \$ 4,000 deposit to Fulton Bank. Susan Peipher knew or should have known that Amber Green failed to have a surety bond when she created a resolution to assign her the Tax Collection duties on Feb 23, 2017, and did not have one until on or about July 18, 2018, and thus was NEVER ALLOWED TO COLLECT THE TAXES LEGALLY. Also Lawyer Richard Mills conspired to defraud Travelers Insurance and file a false lawsuit which violated 18 U.S.C. 242 (deprivation of rights under color of law) and also conceal 190,000 counts of Mail Fraud and at least 2 counts of insurance fraud with LNP newspaper and NBC affiliate WGAL by committing perjury and making false statements under oath, just like James Comey made false statements to the FISA court on multiple occasions, for spying on the president. Also as per as per ECF #5 in federal case number 2:17-cv-00984 by the late Thomas O'Neill, the order denies any claims for failure to notify all parties and ECF 111 and 112 fails to notify ALL parties that were served even though they are listed by Cutler. This was all done because Mr. Cutler is Jewish, just they previously set up Lisa Michelle Lambert for Murder, after raping her at gunpoint. The murder of 4

individuals in Jersey City, NJ. on 10DEC2019 was identified by the Mayor of that city as targeted event aimed at the KOSHER GROCERY STORE. Cutler also notified the court in his previous filing that the three traffic citations for failing to get a vehicle inspection and the constitutionality of law be argued in this court to provide a neutral change of venue since Judge Denise Cummins is named in a pending federal lawsuit in the United States Court of Appeals (18-3693) with Mr. Cutler. It should also be noted that as part of ECF 109, evidence of Google sending the the cert of 25OCT2019 to the WRONG ADDRESS, Mr. Coe of DrinkerBiddle&Reath sent the cert when it was returned on 18NOV2019 by conventional mail and it was not recieved by Mr. Cutler until 06DEC2019. A callas disregard for getting the document on time to Mr. Cutler instead of priority mail, and a form of MAIL FRAUD. The three traffic citations mentioned prviously for clarity are MJ-32125-TR-0001212-219, MJ-02302-TR-003403-2019, and TR0001501-2019. All mail was diverted from Mr. Cutler so that all documents were only picked up on 06DEC2019. Conspiracy and Mail Fraud, because Mr. Cutler is Jewish, and the parties are acting as an agent of the Klu Klux Klan to conceal a federal crime of Murder of a government employee and violated 18 U.S.C. 242 (deprivation of rights under color of law). ECF 110 by Fulton Bank should be DENIED because it tries to coverrup a **FEDERAL FELONY** and also obstruct the discovery of the

individuals that actually carried out the MURDER of a FEDERAL EMPLOYEE. Nancy Pelosi on 10DEC2019 stated that the president is being impeached for ABUSE OF POWER and OBSTRUCTION OF CONGRESS. Based on the logic applied by the house, any VETO could also be considered OBSTRUCTION OF CONGRESS. Mr. Cutler has also notified the court that laws recently signed by Mr. Tom Wolf, the current elected forty-seventh Pennsylvania governor that the law started as Senate bill 473 violates the Pennsylvania constitution by violating the Uniformity clause by providing different tax rates to individuals that are in the military and not in the military. The summary offense is just a form of taxation, and cannot be applied unequally, as was the ruling for allowing of universal marriage between 2 people. He also notifies the court that Judge Barry Bloss, Cynthia Rufe, and Judge Eduardo Robreno violated 18 U.S.C. 242 (deprivation of rights under color of law). Judge Robreno issued an order on October 9, 2019 that threatened Mr. Cutler with violent consequences by MAIL, if he tried to file a motion for reconsideration, violating the United States Constitution Amendment 1 and right to defend the first Amendment granted by the United States Court of appeals on 14AUG2015. Judge Bloss ignored the federal action, and still issued a warrant, even though he had documentation to the contrary. Brian Sims has been in default since the end of May 2019. Judge Rufe had violated Mr. Krieger's

rights by not allowing discovery and due process, and violated 18 U.S.C. 242 (deprivation of rights under color of law) FOR NEW CRIMES for which he was subjected, and protected members of the Klu Klux Klan. Mr Cutler had previously requested court issue a Writ of Execution against all defendants in favor of all Plaintiffs in both cases. The final combination of case # 5:19-cv-00834 with case # 2:19-cv-03149, and find all parties guilty of default and summary judgement. Even though the cause in case 2:19-cv-03149 was identified as employment discrimination it actually is religious and race discrimination based on Tami Levin being born Jewish and a target by members of the KLU KLUX KLAN, and ALSO that it was the target of the Philadelphia DA pursuant to furtherance of a federal crime, specifically the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). This case also involves bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor Company, ERIE Insurance Group, Verizon, and Fulton Bank have misrepresented their activities in their reports, and the other parties of this case and their lawyers have conspired to cover up these events. When six police officers from East Lampeter Township conspired with the constable to destroy all the evidence in the case by Ralph Hutchinson, Amber Green

Martin, Scott Martin, Brian Hurter and others not mentioned or served to steal in excess of over \$ 900,000.00 with the aid of the Lancaster County Courts based on perjured testimony but violating the Ten Commandments by bearing FALSE WITNESS with the aid of the news media (LNP and NBC and others) did willfully conspire to hide MURDERS, by public \ officials that may be members of the KKK including possible the current Mayor of Philadelphia and Govenor of Pennsylvania. On October 7, 2019 James Clapper (the former Director of National Intelligence) admitted on CNN he was carrying out the orders of President Obama when he set-up President Trump using a manufactured document contracted by the Democratic party and to Mr. Christopher Steele. Mr. Rufus Seth Williams, the former District Attorney of the city of Philadelphia (and an African American) may have been targeted because he was either going to, or was engaged in trying to investigate the murder of Johnathan Luna, and also the 5 children on May 13, 1985. The Philadelphia District

Attorney supported by a George Soros organization <ref>  
<https://www.inquirer.com/philly/news/politics/Soros-145-million-investment-in-DAs-race-draws-heat-for-Krasner.html> </ref>, is documented proof that the Mr. Krasner may have an

agenda that discriminates against Jewish individuals and his support for reducing charges against Michael White for the knife murder in the back to an unarmed Sean Schellenger and susequent throwing the case and legalizing the Murder of unarmed individual (Jewish

Individual). The only thing Mr. Krasner did not do is try to get the jury to believe it was a suicide. <ref> <https://6abc.com/murder-charges-reduced-in-deadly-center-city-stabbing/3860985/> </ref>

Mr. Krasner fired a 26 year Jewish employee (Tami Levin) and replaced her with Movita Johnson-Harrell. Movita Johnson-Harrell quit and ran for public office, but was convicted of ebezellment of approximately \$ 500, 000, and now is incarcerated. The Medical examiner of Philadelphia

recently was sued by the parents of a Jewish school teacher that was found dead and previously be been declared a murder, and was changed to suicide,

allegedly based on police pressure. <ref> <https://www.pennlive.com/news/2019/10/parents-sue-medical-examiner-to-change-daughters-death-ruling-from-suicide-to-homicide.html> </ref> Mr. Soros had previously done an interview with television show 60 minutes

expressing his pleasure in destroying the lives of Jewish individuals. <ref> <https://www.worldcat.org/title/60-minutes-george-soros/oclc/934520933> </ref> Mr. Krasner was

backed significantly by a George Soros organization in a reported amount of 1.4 million. The default judgement filed 18JUN2019 as part of case number

5:19-cv-00834 the against Brian Sims in his Official Capacity as the only

openly gay Representative of the Commonwealth of Pennsylvania did

PROUDLY show he willfully and deliberately violated the United States

Constitution, the establishment clause Ammend 1 and his Oath of Office, by

actively preventing a woman from praying across the street of the Planned

Parenthood office in Philadelphia. Mr. Grant was denied the ability to pray

recently in Philadelphia, and also denied the right to pray during as recently

as yesterday during the installation of Nelson Perez during as Archbishop.

The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi in her official capacity did violate via her lawyer (Mr Donald B. Verilli Jr.) and stated

“[N]o one would be hurt and the greater justice would be attained” and

violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was

made in case 4:18-cv-00167-0, a significant federal crime on her behalf just

after she became speaker of the house. She has also has interfered with the

treaty between the United States of America and Ukraine on Mutual Legal

Assistance in Criminal Matters with Annex, signed at Kiev on July 22, 1998,

and with an Exchange of Notes signed on September 30, 1999, which

provides for its provisional application. Katie Hill (a Democrat member of

the house from California) was forced to resign from office and a story in

the Baltimore Sun references a picture with her or her lover and a NAZI

Iron cross tatoo. <ref> [https://www.baltimoresun.com/opinion/readers-respond/bs-ed-rr-liberal-](https://www.baltimoresun.com/opinion/readers-respond/bs-ed-rr-liberal-media-katie-hill-letter-20191030-x5rieak2mff7xfgfmdtdr7qha-story.html)

[media-katie-hill-letter-20191030-x5rieak2mff7xfgfmdtdr7qha-story.html](https://www.baltimoresun.com/opinion/readers-respond/bs-ed-rr-liberal-media-katie-hill-letter-20191030-x5rieak2mff7xfgfmdtdr7qha-story.html) </ref> Based on the Katie Hill resignation, **Nancy Pelosi must also resign her position.** In

another previous incident by a member of the house of Representatives

United States Representative <ref> <https://www.youtube.com/watch?v=m3Rut64GDgA>

</ref> Mr. Adam Schiff did willfully and with forethought did intentionally

violate the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt

Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). Also this case also involves (18 U.S. Code § 1519 – Destruction, alteration, or falsification of records), (18 U.S. Code § 1505 – Obstruction of proceedings before departments). It is now reported that a staffer of Adam Schiff was linked to a think tank backed by Burisma, the Ukrainian energy company involved in the Hunter Biden controversy. <ref>

<https://www.youtube.com/watch?v=9SsZVwonUHw> </ref> By requesting the case be dismissed with prejudice and the joint filing by ASSOCIATED PRESS, PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level of conspiracy and also George Soros linked groups hurting people like Taylor Swift <ref> <https://www.youtube.com/watch?v=lqiasqMJXac> </ref> and per United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v. Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984).

WHEREFORE, for all the foregoing reasons, and the documented murders of 3 federal employees by Mr. Cutler (Jonathan Luna, Beranton Whisenant, and Justin Zemser) and 5 children on May 13, 1985 and significant discrimination against other Jewish individuals (11 murdered by Robert Bowers 2:18-cr-00292), (discrimination by police in Philadelphia police department against Jewish Police officers 2:18-cv-05029), Mr Cutler's motion in District of Columbia case #1:17-cv-01154 (ECF #79) the books "Love-Murder-Corruption-Lancaster-County" and "BLACK



KLANSMAN". Although the may be Klu Klux Klan, which was outlawed in 1871, and has not been specifically identified, equal treatment under the law violations are apparent in this case. The mayor of Philadelphia has made several statements supporting Hahnamenn hospital but the actions of the city fail to support that calim, which amounts to perjured testimony. The governor of Pennsylvania has made several statements supporting Hahnamenn hospital but the actions of the commonwealth fail to support that calim, which amounts to perjured testimony. The bankruptcy courts have also deleted documents in supprt of the has Specifically, theu recently filed a notice to cancel their operating license to be a hospital. A seven year old boy that died as result of an activity is being prosecuted while those responsible for the MURDER of a seven year old boy May 13, 1985 has gone completely unpunished in any form, and concealed from normal view.

<ref> <https://www.inquirer.com/news/death-subway-charges-broad-street-line-septa-district-attorney-philadelphia-aden-devlin-20190829.html> </ref>

The recent deaths of Whitey Bolger (and Mr. Bolger's relative involved with Joe Biden's son in Ukraine gas company) and Jeffrey Epstein and multiple praise for late senator Byrd by Hillary Clinton demonstrates the level this has existed in the United States also for a long period of time including the Scottsboro Boys in 1931, the Democratic party and on August 16, 2016 Seth

Rich is mentioned in the filing in Philadelphia United States Court of Appeals for the Third Circuit case 16-3164 <ref>

[https://en.wikipedia.org/wiki/Talk%3ADemocratic\\_National\\_Committee#Removed\\_sentence](https://en.wikipedia.org/wiki/Talk%3ADemocratic_National_Committee#Removed_sentence)  
</ref>.

In fact persons in the United States Government have obstructed justice in this case as well as case 19-11466 and may be involved in blocking another federal case 2:19-cv-03149. The rampant discrimination in Pennsylvania by the Klu Klux Klan against Jewish, African Americans, and other (some of which Government Officials) are other minorities is a stain on the constitution. A rose by any other name would smell just as sweet, the KLU KLUX KLAN, no matter the name they PROUDLY use just smells, like a number 2. The court should also deny all parties a motion to Dismiss since they all failed to notify in all responses to all parties as and would violate equal protection as per ECF #5 case # 2:17-cv-00984 by the late Thomas O'Neill, the order denies any claims for failure to notify all parties.

Haverford Police have finally decided to notify all parties, but documented history cannot be undone, and they have presented NO argument which suggest they should be excused. ALSO that it was pursuant to furtherance of a federal crime. This is just like the activities that were charged against general Flynn by the FBI that were intentionally set-up. In this case the federal crimes are specifically mail fraud, abuse of power, abuse of process, bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor

Company, and ERIE Insurance Group, have misrepresented their status in reports filed with the cars sold. Based on other information, these Air bags could be used to Murder persons on demand by members of the Deep State. <https://www.consumerreports.org/car-recalls-defects/takata-airbag-recall-everything-you-need-to-know/> Lemberg Law acting as an agent for Ford Motor Company did deny they are representing Mr. Cutler after notifying him via mail they intend to represent him. Mr. Cutler has not driven his 2011 Ford Fusion since Oct 2, 2017 when six police officers from East Lampeter Township conspired with the constable to destroy all the evidence in the case by Ralph Hutchinson, Amber Green Martin, Scott Martin, Brian Hurter and others not mentioned or served to steal in excess of over \$ 900,000.00 with the aid of the Lancaster County Courts based on perjured testimony but violating the Ten Commandments by bearing FALSE WITNESS with the aid of the news media (LNP and NBC) did willfully conspire to hide MURDERS, by public officials that may be members of the KKK. Mr. Cutler owns 10 shares of Ford Motor Company Stock and also 10 shares of Fulton (stock symbol FULT) in Schwab accounts. The default judgement filed 18JUN2019 against Brian Sims in his Official Capacity as a Representative of the Commonwealth of Pennsylvania did PROUDLY show he willfully and deliberately violated the United States Constitution, the establishment clause Amendment 1 and his Oath of Office, by actively preventing a woman from praying across the street of the Planned Parenthood office in Philadelphia.

The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes (18 U.S. Code § 1519 – Destruction, alteration, or falsification of records), (18 U.S. Code § 1505 – Obstruction of proceedings before departments). By requesting the case be dismissed with prejudice and the joint filing by ASSOCIATED PRESS, PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level of conspiracy United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v. Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984). Recently law enforcement officials which may be members of the KKK using illegal tracking techniques targeted Mr. Cutler to prevent his free movement, by giving penalties for failing to have an inspection on the dodge truck vehicle, in Springettsbury Township, York PA, Haverford Township and East Lampeter Township. The law being used against Mr. Cutler is UNCONSTITUTIONAL. It is a NON-UNIFORM TAX on persons, which violates the Commonwealth of Pennsylvania UNIFORMITY CLAUSE of the Pennsylvania Constitution. The Commonwealth is aware of every vehicle that has an inspection since they actually charge an MCI fee for each car which is called in to PENDOT and does not mail fines to all subject vehicles. They also do not apply the law to any vehicles from other states which travel in Pennsylvania even though speed regulations are enforced. The Supreme Court of the United States Supreme Court cited equal

protection in their approval of universal marriage despite the birth sex of the parties, June 26, 2015. The United States Supreme Court has also also cited by unanimous consent that excessive fines are unconstitutional by States in *Timbs v. Indiana*. This an attempt by the governor to use the government to commit premeditated Murder of Mr. Cutler for exposing the KKK in Pennsylvania, and the United States to cover crimes being inflicted upon residents of the commonwealth. The Governor has all types of enforcement on the sale of alcohol but has made it a trivial matter to Gamble with no enforcement or oversight, and it is now obvious they will be promoting the sale of lottery tickets with credit cards. On 08NOV2019 a woman told Mr. Cutler that her 15 year old daughter had lost hundreds of dollars buying lottery tickets in violation of Pennsylvania law. The governor has also announced that commonwealth will terminate the use of cash on the Pennsylvania Turnpike, even though the city of Philadelphia recently passed a law requiring all stores in Philadelphia to accept cash payments. The Pennsylvania Turnpike was built with the aid of Federal funds, and cash is legal tender for all debts public and private. Mr. Cutler ran against Tom Wolf twice. A previous govenor, while DA in Philadelphia was central in the murder of 5 children on 13MAY1985, as a form of eviction on Osage Avenue in Philadelphia. Wikimedia Foundation and their Lawyer Mr. Heller are using public money via their status as a 501(3)(c) corporation to

further religious discrimination, a use not allowed, and participation in conspiracy to commit MAIL FRAUD with Mr. Lane Schiff and judge Eduardo Robreno violate rule 7 of the FRCP by issuing an order after only 1 day after possibly being served and withheld exculpatory pages. Based on the previously attached pages the state courts are declaring they can have DEFAULT JUDGEMENT and it is established law that federal court supercedes State Courts. (See evidence in previous attached documents). Haverford police may have aided the theft of Mr. Cutler's wallet on Oct 22, 2019 from the Staples store at 1395 West Chester Pike, and their lack of diligence in identifying the individual that left the wallet minus about \$ 320 at the Falcon Center 525 West Chester Pike approximately 2 blocks away. The evidence shows a conspiracy to issue orders with everyone else on Yom Kippur, a significant Jewish Holiday. The evidence attached shows that the Commonwealth of Pennsylvania used information supplied by Google to track and possibly plan the MURDER of Mr. Cutler by legal means, or Police to help conceal the Klu Klux Klan and a corrupt organization. Mr. Grant's case (# 2:20-cv-00735) should be consolidated with this case because of Religious discrimination and blatant descrimination. Lisa Michelle Lambert despite being declared NOT GUILTY and RELEASED by Stewart Dallzell, has been in prison over 25 years. Prior to Mr. Krasner's winning the position of District Attorney, Mr. Cutler had tried to contact

him, Gloria Alred and Lisa Bloom about Lisa Michelle Lambert, and they all declined to get involved. Mr. Cutler believes he has been the target of Sneak and Peak searches, either legal or illegal. The judge in this case had previously been the same judge that dismissed charges against individuals to protect other elected officials. Recently The Australian Competition and Consumer Commission began proceedings against Google in the federal court in New South Wales, alleging it breached the law through a series of on-screen representations made as users set up Google accounts on their

Android mobile phones and tablets <ref> <https://www.reuters.com/article/us-australia-google-regulator/australian-regulator-files-privacy-suit-against-google-alleging-location-data-misuse-idUSKBN1X804X> </ref> The Pennsylvania's Whistleblower Law, 43 P.S. § 1421

et seq., provides for penalties and this case meets all those requirements, since three different police departments (Haverford, Springettsbury Township, and East Lampeter Township used this information to hide the Klu Klux Klan membership) in Pennsylvania just to ignore supremacy of FEDERAL law and target Mr. Cutler. Tami Levin and other Jewish Individuals. The current Governor and Mayor of Philadelphia meet these requirements as well. The Mayor's sugary beverage tax, is actually a "BLACK PERSON TAX" which gives the Mayor standing with the KKK as a superstar. In OBAMACARE the tax on Tanning was a "WHITE PERSON TAX". Brian Sims, High Inc., and East Lampeter Township have all DEFAULTED on this case, and to conceal the multiple murders in

Pennsylvania the Commonwealth is using an unconstitutional law, mail fraud and conspiracy from Deep State Actors to try and cover-up these events and false incarceration of Lisa Michelle Lambert and violations of the patriot act by East Lampeter Township and Lancaster county. Although in PA most positions are won by vote, but Township Managers are essentially appointed by life, like a king. This case was filed two years from the when East Lampeter Township appointed the treasurer to collect taxes, who was never allowed to collect taxes legally and has never accounted for the bank robbery conspiracy (18 U.S.C. § 2113), which makes Google a party to these activities, and 100% of their assets subject to forfeiture <ref> [https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article\\_ef5b90bc-89d5-11e8-8ace-77712e721cba.html](https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article_ef5b90bc-89d5-11e8-8ace-77712e721cba.html) </ref> Since this case is also about the MURDER of FEDERAL Employees there is no statue of limitation. As an Official Whistle Blower in the Commonwealth of Pennsylvania, Jeffrey Cutler declares the actions Mr. Krasner, the Mayor of Philadelphia, and the Governor were a concerted effort to legally Murder Jews like Albert Chernoff, the woman found in her home in the 800 block of Bergen Street, Jill Millman (page B3 Inquirer Thursday November 7, 2019) by persons like Fred Arena (page B1 Inquirer Thursday November 7, 2019), or Michael White or persons simmilarly situated. Mr. Cutler delares as part of this document that he is **WHISTLEBLOWER** exposing the Governor



and Mayor as members of this organization in a public matter. Unlike the alleged **WHISTLEBLOWER** impeachment orchestrated by Eric Ciaramella with others Mr. Cutler has signed and dated this

**WHISTLEBLOWER** document that, unlike the clandestine misuse of the legal system by the house <ref> <https://www.washingtonexaminer.com/news/alleged-whistleblower-eric-ciaramella-was-biden-guest-at-state-department-banquet> </ref> The hatred

of coal may be related to the fact that bad people get a lump of coal in their stocking by St. Nick at Christmas, so if there is no coal, what they are doing cannot be considered evil. Both Seth Rich and Edward Snowden were

**WHISTLEBLOWERS**, Seth is dead and Edward Snowden is in exiled to

Russia. All documents in Cases 18-3693, 17-2709, 14-5183 should be included by reference. Based on the OIG report page 256, a lawyer for the DOJ altered an email and then used the altered email for basis of the FISA court warrant to **SPY ON THE PRESIDENT**. This is based on questions

posed by Senator Cruz on 11DEC2019. For the reasons stated above ECF 103, 104, 105 & 106 should be denied. At minimum a subpoena should be issued for Nancy Pelosi, Lisa Michelle Lambert, Tabatha Buck, John

Brennen, James Clapper, James Comey, Andrew McCabe all parties served and named as part of this legal action suit and their lawyers, state judges

named, April Brooks, Springettsbury Police Department, Haverford Police Department, all lawyers that are listed in all the various Cases, reporters for

the newspapers and served by federal MARSHALLS. It is curious that all

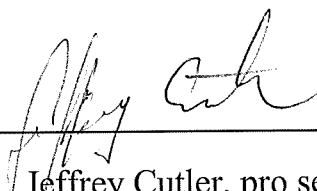
defendants in this case have decided to share equally all of the penalties and blame. This case has the same misconduct by FBI and other persons in public office and violations of **EQUAL PROTECTION OF THE LAW**.  
<ref> <https://www.yahoo.com/entertainment/lori-loughlins-bombshell-claim-college-143025732.html>  
</ref>

Pursuant to Title 18, United States Code § 4, Plaintiff, Mr. Cutler, notifies the court of possible ongoing criminal activity directly involved with his civil rights action ( No. 5:19-cv-00834 ) and requests the court to notify the Prosecutor's Office immediately, and any other criminal justice authorities the court deems necessary, to effect and insure the prompt investigation and prosecution of crimes involved with this case which includes mail Fraud (18 U.S. Code § 1341), the murder of a federal employee (18 U.S. Code § 1114), and Title 18, Section 871. Based on the order of Judge Robreno and the affidavit of service filed on 25FEB2020 the failure of the prosecution to mention these activities to the defense for this case and Murphy v. National Collegiate Athletic Association and Brady v. Maryland, 373 U.S. 83 (1963) the current sentence should be vacated and new trial granted with a combined jury for all cases, in the name of judicial efficiency. The records from all associated cases should be included as if attached to this document in full without any exceptions or anything stricken. The courts have affirmed, it must “afford a liberal reading to a complaint filed by a pro se plaintiff,” particularly when the plaintiff has

no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) (“A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted).

Respectfully submitted,

DATE: 04 MAR 2020

A handwritten signature in black ink, appearing to read 'Jeffrey Cutler', is written over a horizontal line.

Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

## PLAINTIF'S PROPOSED ORDER FOR SUMMARY JUDGMENT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 upon consideration Plaintiff's Motion for Default Judgment and for good cause shown, it is hereby ORDERED the Motion is GRANTED. SO ORDERED.

- [1] Order the SUMMARY Judgment against all defendants be granted and made FINAL at one million dollars per day or as a negotiated amount.
- [2] Order the order of Judge Margret Miller made March 17, 2017 against Jeffrey Cutler vacated, the order by Judge Margaret Miller against Jammal Harris vacated and order by Judge Lawrence Stengel against Lisa Michelle Lambert vacated and all persons similarly situated (William Henry Cosby, Jeffrey Smiles, Emily Weinman, David Sommers, Mr. William H. McMichael, Stan Caterbone, Claire Risoldi, Rufus Seth Williams, Stephen T. Kirchner (1873 MDA 2018), Scott Capps, General Flynn, Mr. Popodopolis, Ari Goldstein, charges against Roger Stone and Eric Snowden, etc.), for violations of equal protection. All prosecutions of Robert Mueller as special prosecutor vacated because his appointment was based on perjured testimony, which is verified by Mr. Steele in a foreign court.
- [3] Order the summary and default judgment of all other cases filed by Mr. Cutler in every court also be granted, and all judgements against Mr. Cutler by every Judge vacated including traffic violations for expired inspection in York, PA East Lampeter Township and Haverford, PA.
- [4] Order ECF 103, 104, 105 & 106 be denied.
- [5] Order Nancy Pelosi and Adam Schiff to resign from their elected positions based on crimes identified in this document, or from their leadership positions.
- [6] Order Judge Barry Bloss, Judge Cynthia Rufe, and Judge Eduardo Robreno pay twice their daily salary each day to the innosense project, until they resign.
- [7] Order Tom Wolf to resign for interference in interstate commerce by restricting traffic on Pennsylvania highways based on news media reports that were equally reliable on stating the Eagles Football team cannot loose against the Florida Marlins.
- [8] Order all vandalism perpetuated against Mr. Cutler and **Mr. Krieger** to be compensated, and listed.
- [9] Provide documentation to the court of how much all court costs and legal fees have been to date, and list cost or legal hours and **ALL LEGAL FIRMS** used to try to change the outcome of a certified election, of Jeffrey Cutler and Donald Trump in all future actions with the court by East Lampeter Township Lancaster County. Legal fee documentation should start with the actions of the solicitor on and East Lampeter Township starting in 05NOV2013.
- [10] Order East Lampeter Township to reveal all persons or individuals that have expressed interest in this case,

especially any officials of the United States Government, and all payments by any George Soros organization.

- [11] Order a one million dollar a day penalty per named defendant, until Mr. Cutler's reputation and credit are restored or individual agreements are reached with each party.
- [12] Order Susan Peipher Esquire, East Lampeter Township, Lancaster County Courts and unnamed others show cause why they should not be charged with violations of the RICCO ACT, both 18 U.S.C. §§ 1961–1968. RICO violations, and 18 U.S.C. § 1964, Civil RICCO Act.
- [13] Order Susan Peipher Esquire, Christina Hausner, East Lampeter Township, East Lampeter Township Police, Lancaster County Courts, Ralph Hutchinson, Judge Margaret Miller, Scott Martin, Elam Herr, all named defendants in this case and unnamed others show cause why they should not be charged with violations of 18 U.S.C. § 2113 (bank robbery).
- [14] Order Fulton Financial to return all money for accounts ending with 8603 and 8612 with penalties.
- [15] Order Fulton Financial to compensate the plaintiffs for cases 5:18-cv-00987 and case 2:17-cv-02763 as demanded in their respective lawsuits.
- [16] Order Wikimedia foundation and all media outlets specified to provide space and corrections as provided by the plaintiff and his designated representative for fake news.
- [17] Order Summary Judgement be awarded for all other cases Mr. Cutler has been denied due process be awarded.
- [18] Other remedies the court deems appropriate.
- [19] Order the Democratic National Committee to also show why they are not a party to Religious discrimination.
- [20] Order Nancy Pelosi to resign from her position for the false statement (18 USC § 1001) made through her lawyer.
- [21] Order Susan Peipher Esquire and other lawyers guilty of similar activities, to be barred from participation in the Federal Court CM/ECF system.
- [22] Order the United States Government to stop collecting or accessing penalties **FOR FAILURE** to ***comply with established tenets or teachings of such sect or division of ANY religion in violation of the U.S. Constitution amendment 1 and declare the ACA unconstitutional***, based on the 89 page writ of USCA case 17-2709 on page 314A, and Supreme court case # 15-632.

Dated: \_\_\_\_, 2020\_\_

---

BY THE COURT

## ADDENDUM

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL ACTION

v

JOSEPH R. JOHNSON, JR.

NO.: 19-367

ORDER TO SURRENDER

AND NOW, this 28th day of February, 2020, the above-named defendant having been sentenced to the custody of the Bureau of Prisons,

IT IS ORDERED that the execution of prison sentence is suspended until April 9, 2020 at which time defendant is directed to report to the institution designated by the Bureau of Prisons no later than 2:00 p.m. to commence service said sentence.

Stanley Battle, Jr.  
J.

ACKNOWLEDGEMENT

I agree to report as directed by the Court in this Order and understand that if I fail to do so I may be cited for contempt and if convicted may be punished by imprisonment or fine, or both.

[Signature]  
Attorney - Witness

[Signature]  
Defendant

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 14-5183**

**September Term, 2014**

FILED ON: AUGUST 14, 2015

JEFFREY CUTLER,

APPELLANT

v.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,  
APPELLEES

Appeal from the United States District Court  
for the District of Columbia  
(No. 1:13-cv-02066)

Before: HENDERSON, ROGERS and MILLETT, *Circuit Judges*

**J U D G M E N T**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the judgment of the District Court appealed from in this cause be reversed as to Cutler's standing to press his Establishment Clause challenge, and be affirmed both as to the merits of his Establishment Clause claim and his lack of standing to press his equal protection challenge, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk

Date: August 14, 2015

Opinion for the court filed by Circuit Judge Millett.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TAMI LEVIN	:	
	:	CIVIL ACTION
Plaintiff,	:	NO. 19-3149
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	
	:	
Defendants.	:	

O R D E R

**AND NOW** this **9th** day of **October, 2019**, upon consideration of Jeffery Cutler's "motion to intervene and combine with case # 5:19-cv-00834 Cutler v. Pelosi, et al." (ECF No. 5) and Plaintiff's response (ECF No. 9), and Cutler's "motion to notify the court of violations of equal protection and obstruction of justice" (ECF No. 7), it is hereby **ORDERED** that:

1. The motion to intervene (ECF No. 5) is **DENIED** as Cutler's case (Cutler v. Pelosi, et al, Case No. 5:19-cv-00834) is wholly unrelated to the above captioned case, and Cutler provides no valid basis for intervening in Plaintiff's case or for consolidating the two cases; and

2. The motion to notify (ECF No. 7) is **DENIED** because Cutler is not a party or proper intervenor and may not file motions in this case.

It is hereby further **ORDERED** that Cutler shall file no additional documents in this case. Failure to abide by this Order may result in sanctions.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno

EDUARDO C. ROBRENO, J.

15 metro

FILM

METRO.US  
WEDNESDAY, OCTOBER 24, 2018

Making "Mid90s" was a dream come true for Jonah Hill.

kateboarding, a pastime they use to escape the horrors of their family lives.

According to the cast of relative newcomers, Suljic and the other young actors featured in "Mid90s" felt extremely comfortable working under Hill, who did everything in his power to make them feel at home. Ryder McLaughlin, who plays the quiet geographer of the group nicknamed Fourth grade, compared their relationship with Hill to that of "good friends," as he would often offer them

advice on everything from navigating publicity to "girl problems."

"It felt like he's always been a director," says McLaughlin. "It didn't feel like a new thing for him."

"The times I've given my best performances is when I trusted the filmmaker the most," says Hill. "All I knew was I had to spend as much time as I could before we started shooting understanding that I need to let these people know that I have their back. I would rather die than embarrass them."

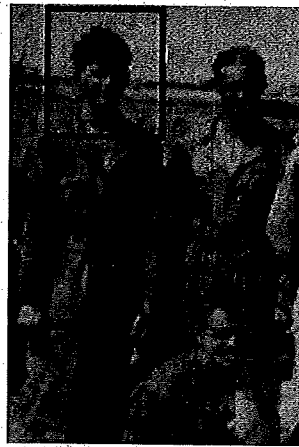
While "Mid90s" marks Hill's first turn in the director's chair for a feature film, he's effectively been in film school under the tutelage of Hollywood's best filmmakers throughout his career as an actor, working with the likes of Martin Scorsese, Quentin Tarantino, Judd Apatow and the Coen brothers, just to name a few. So it's no surprise that Hill was excited and filled with "bliss," rather than nervous or surprised, when he finally got to the set on the first day of filming.

"I've been in so many

scenes in so many movies over the years, that to me, it was just pure excitement," Hill says. "I always say to anyone in the film business or anyone starting out in the film business, 'It's not real until you pull up and the trucks are there.'"

"Because everything before that, they didn't pour a bunch of money into, so once the trucks are there, you at least get one day to shoot," he adds. "When I pulled up and I saw the trucks, that was probably the best moment of my life."

## SAVE BILL COSBY



On May 13, 1985, 5 black children were **MURDERED** with 2 bombs furnished by the **FBI** to members of the **DEMOCRATIC PARTY** and no one was even fired from their job. **Bill Cosby** was prosecuted for a 12 year old alleged sexual interlude, **Equal Protection Under The Law**. Jeffrey Cutler is running as a Pro Se candidate for Governor of PENNSYLVANIA!

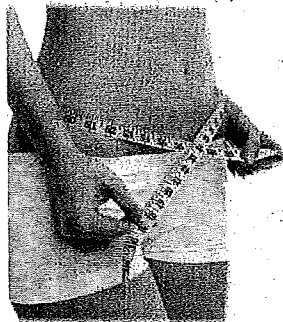
### WRITE-IN JEFFREY CUTLER

If elected Jeffrey Cutler would at MINIMUM commute the sentence of William Henry Cosby to time SERVED. Implement Jeffy Bonds to help taxpayers and schools. (Copyright Dec 7, 2015 see page 18 document 37 case 2:17-cv-00984)...PAS for school safety, Obamacare Replacement (see page 24 document 42 case 2:17-cv-00984). Irving Cutler died July 13, 1942 defending the Constitution of the United States. Sergeant Irving Cutler died when his B-24 was shot down after leaving Benghazi, Libya. Irv was awarded the Silver Star and Purple Heart: His nephew Jeffrey Cutler the former Tax Collector of East Lampeter Township memorialized the 75th anniversary of his uncle's sacrifice in case # 2:17-cv-00984 which became USCA case # 17-2709. Mr. Cutler was trying to protect the public from 190,000 counts of Mail Fraud, by Brian Hurter and Amber Green Martin for sending out fraudulent tax assessments.

### Write In Jeffrey Cutler for Governor and Every Democratic Congressman In PA.

More information can be found at [https://www.youtube.com/watch?v=mgCle8F\\_zUk](https://www.youtube.com/watch?v=mgCle8F_zUk). Send Donations to: JEFFREY CUTLER, P.O. BOX 2806, YORK, PA 17405 The FIRST DINO. Msg For Bill "RIGHT"!!!

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TABOR AVE. ■ SOUTH PHILLY

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# CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD

Jeffrey Cutler To All; Attached is a TAX cert and page 2 of 14 from... Jan 30

Milligan, Joseph A. (PH) (FBI) <Joseph.Milligan@ic.fbi> Jan 30  
to me, John, JAN.MCDERMOTT, Dave

Mr. Cutler,

Cease and desist adding myself and ADA McDermott to any more of your emails regarding this matter. Special Agent Milligan

**From:** Jeffrey Cutler [mailto:eltaxcollector@gmail.com]  
**Sent:** Sunday, January 29, 2017 11:40 PM  
**To:** Murray, John <JoMurray@paauditor.gov>;  
JAN.MCDERMOTT@phila.gov, Dave Brown  
<dave@pearsonkoutcherlaw.com>; Milligan, Joseph A. (PH) (FBI)  
<Joseph.Milligan@ic.fbi.gov>  
**Subject:** CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD

Jeffrey Cutler <eltaxcollector@gmail.com> Jan 30  
to whcmichael, jhaskins, dyerushalmi, djacob, latobell, Dave

To All;

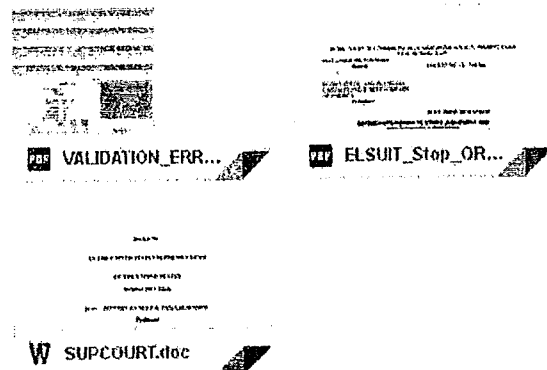
See the message below. I am involved with a bunch of People that are **ANTI-JEWISH**. They are trying to set me up to be accused of **THEFT!!!** They have conspired to delete payment information and try and blame me for **stealing!!!** They are all criminals. The FBI does not want to help. They suggested (FBI) I get a lawyer. They just want claim the **JEW IS A THIEF!!!**

Jeff Cutler

717-854-4718  
215-872-5715

717-854-4718

## 3 Attachments



Devon Jacob Jeffrey, do not contact me again for any reason. If you do... Jan 30

Jeffrey Cutler Lonnie... No Friends Jeff Cutler Jan 30

Jeffrey Cutler Justin; it must be my breath. Jeff Cutler Jan 30



## File a Report: Mail Fraud

## Your Information

Company Name: \_\_\_\_\_  
 \* First Name: JEFFREY \* Last Name: CUTLER  
 \* Address: P.O. BOX 2806  
 \* City: YORK  
 \* State: Pennsylvania  
 \* ZIP Code: 17405  
 \* Country: UNITED STATES  
 Cell Phone: (215) 872-6715 Work Phone: (717) 854-4718  
 Home Phone: (717) 390-9931 Fac: \_\_\_\_\_  
 Email Address: ehaxcollector@gmail.com  
 Age Range: 65 or older

## Complaint Filed Against

Company Name: LERKUSCA THRD CIRCUIT  
 First Name: PATRICIA Last Name: DODSUWEIT  
 Address: 601 MARKET STREET  
 City: PHILADELPHIA  
 State: Pennsylvania  
 ZIP Code: 19105  
 Country: UNITED STATES  
 Cell Phone: \_\_\_\_\_ Work Phone: (215) 597-2935  
 Home Phone: \_\_\_\_\_ Fac: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Website Address: \_\_\_\_\_

## How Were You Contacted?

How were you contacted? US Mail  
 On what date were you contacted? \_\_\_\_\_  
 Do you have the envelope it was mailed in? ☒ Yes ☐ No  
 Does the envelope have a permit number? ☐ Yes ☒ No  
 Does the envelope have a postage meter number? ☐ Yes ☒ No  
 Postage Meter Number: 00006114959

## How Did You Respond to This Offer?

How did you respond to this offer? In Person  
 Response Mailed to a Different Address: ☐ Yes ☒ No  
 Do you have a mailing receipt? ☐ Yes ☒ No  
 (Describe, include or explain item?)  
 What did you receive? PAST EXPERIENCE FOUND MANY DOCUMENTS  
 DESTROYED OR NOT FOUND

## How did it differ from what you expected?

EXPECTED ORAL ARGUMENTS, ORDER HAD  
 DOCUMENTS STRICKEN

## How much did the company ask you to pay (\$)?

500,000.00  
☒ Yes ☐ No

Do you have the item? ☐ Yes ☒ No

How was it delivered? Other

Other: EVERY THING I OWN STOLEN

Did you contact the company or person about the complaint? ☐ Yes ☒ No

Date Last Contacted Company or Person: 05/16/2019

## Did You Lose Money?

Lose Money: ☒ Yes ☐ No

Payment Type: Money Transfer Service

Payment Amount(\$): 900,000.00

Payment Date: 05/17/2019

Money Transfer Service Type: Other

Other: 18 USC § 2113

Money Transfer Number: \_\_\_\_\_

Money Payout Address: \_\_\_\_\_

City: LANCASTER

State: Pennsylvania

ZIP Code: \_\_\_\_\_

Country: UNITED STATES

## Type of Mail Fraud Complaint

Scheme Category: Harassment

Scheme Type: Harassment

## Additional Information

ON 05/06/2019 A MEETING AT EAST LAMPETER TOWNSHIP RESULTED IN 3 DIFFERENT ACTIONS BY THE KLU KLUX KLAN THE NEXT DAY. A LETTER FROM P.O. BOX 3753, ORLANDO, FL 32808, A REQUEST FOR MONEY FROM EQS CCA, P.O. BOX 981008, BOSTON MA 02298-1008 AND THE CLERK LETTER. THAT LETTER ALSO MAKES IT DIFFICULT TO VOTE IN MY DISTRICT AND FILE A RESPONSE. YESTERDAY CASE #2:18-cr-05029 IDENTIFIED THAT DOCUMENTS VISIBLE ON PACER AT THE COURTHOUSE WERE ONLY ALTERED TO ONLY SHOW LIMITED ITEMS 13 AND 16. ITEM 13 WAS INCORRECT. THIS IS PHIL JEWISH POLICE THAT ARE BEING DISCRIMINATED



Mail Fraud Complaint form submitted successfully. SCREEN PRINT 21MAY2019 8:10 AM

Thank you for completing the form. MAIL FRAUD ID #1904647 RCVD 23MAY 1:40 PM

The information you provided will be entered into our national complaint system.

The U.S. Postal Inspection Service gathers data on mail-related crime to determine whether a violation has occurred. While we can't guarantee that we can recover lost money or items, your information can help alert inspectors to problem areas and possibly prevent other people from being victimized. U.S. Postal Inspectors base their investigations on the number, substance, and pattern of complaints received from the public.

We ask you to keep all original documents related to your complaint. We will contact you ONLY if more information is needed.



## File a Report: Mail Fraud

## Your Information

Company Name:   
 \* First Name: JEFFREY \* Last Name: CUTLER  
 \* Address: 7338 WOODCREST AVENUE  
 \* City: PHILADELPHIA  
 \* State: Pennsylvania  
 \* ZIP Code: 19151  
 \* Country: UNITED STATES  
 Cell Phone: (717) 854-4718 Work Phone: (215) 872-5715  
 Home Phone: (215) 477-0543 Fax:  
 Email Address: eltaxcollector@gmail.com  
 Age Range: 65 or older

## Complaint Filed Against

Company Name: CITY OF PHILADELPHIA  
 First Name: JIM Last Name: KENNY  
 Address: 1400 John F Kennedy Blvd  
 City: PHILADELPHIA  
 State: Pennsylvania  
 ZIP Code: 19107  
 Country: UNITED STATES  
 Cell Phone: Work Phone: (215) 686-6442  
 Home Phone: (215) 686-2181 Fax:  
 Email Address: james.kenney@phila.gov  
 Website Address:

## How Were You Contacted?

How were you contacted? US Mail  
 On what date were you contacted? 12/03/2019  
 Do you have the envelope it was mailed in? ☒ Yes ☐ No  
 Does the envelope have a permit number? ☒ Yes ☐ No  
 Permit Number: #174  
 Permit City: PHILADELPHIA  
 Permit State: Pennsylvania  
 Does the envelope have a postage meter number? ☐ Yes ☒ No

## How Did You Respond to This Offer?

How did you respond to this offer? US Mail  
 Response Mailed to a Different Address: ☐ Yes ☒ No  
 Do you have a mailing receipt? ☐ Yes ☒ No  
 What did you receive?  
 Mailed Tax Bill on 26FEB2020. ON 27FEB2020 MAYOR KENNY ANNOUNCED HE WOULD ALLOW A SAFE INJECTION SITE IN SOUTH PHILADELPHIA  
 How did it differ from what you expected?  
 THIS ACTION BY SAFEHOUSE NON-PROFIT DIRECTLY EFFECTS TAX VALUES FOR PROPERTIES AND IS A FRAUD BY THE CITY SINCE TAX BILLS ARE ESSENTIALLY DUE ON 28FEB2020  
 How much did the company ask you to pay (\$)? 1,245.84  
 Do you have the item? ☐ Yes ☒ No  
 How was it delivered? US Mail  
 Did you contact the company or person about the complaint? ☐ Yes ☒ No  
 Date Last Contacted Company or Person: 02/25/2020

## Did You Lose Money?

Lose Money: ☐ Yes ☒ No  
 Payment Type: Check  
 Payment Amount(\$): 1,245.84  
 Payment Date: 02/25/2020

## Type of Mail Fraud Complaint

Scheme Category: False Bill or Notice  
 Scheme Type: Taxes

## Additional Information

ON 26FEB2020 SAFEHOUSE PA ANNOUNCED IT IS PUTTING A MONITORED INJECTION SITE IN SOUTH PHILADELPHIA. THIS IS TO LOWER THE TAX PROPERTY VALUES IN THE AREA AND POSE A RISK TO RESIDENTS AND CHILDREN. THE CITY PREVIOUSLY ALLOWED HAHNEMANN HOSPITAL TO CLOSE AND DESPITE MR. CUTLER FILING 4 DOCUMENTS IN THE BANKRUPTCY COURT IN DE, THAT WERE DISCARDED INCLUDING UNJUST ENRICHMENT. A RECENT STORY IN THE PHILADELPHIA INQUIRER DESCRIBED A PLAN THAT ALLOWED 800 PROPERTIES PURCHASED FOR 800 DOLLARS YIELD OVER 50 MILLION DOLLARS WHEN RESOLD!! <https://www.inquirer.com/news/philly-dollar-vacant-land-property-council-blackwell-kenyatta-20200219.html> FEDERAL LAWSUIT 5:19-cv-00834. Estimate At Least 100,000 counts of mail fraud



Mail Fraud Complaint form submitted successfully. 27FEB2020 1:00 PM

Thank you for completing the form.

The information you provided will be entered into our national complaint system

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**JEFFREY CUTLER**

Plaintiff

v.

NANCY PELOSI IN HER OFFICIAL  
CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES

CITIZENS BANK,

FULTON BANK,

WIKIPEDIA FOUNDATION,

VERIZON CORPORATION,

GOOGLE CORPORATION,

ERIE INSURANCE,

STATE FARM INSURANCE,

LEMBERG LAW LLC,

FORD MOTOR COMPANY,

MANHEIM SCHOOL DISTRICT,

HAVERFORD POLICE

DEPARTMENT,

PHILADELPHIA NEWSPAPERS INC,

ASSOCIATED PRESS,

U.S. NEWS AND WORLD REPORTS,

BEND BULLETIN NEWSPAPER,

And

JOHN DOES and JANE DOES,

Defendants

CASE NO. 5:19-cv-00834

JURY TRIAL DEMANDED

**FILED**

FEB 25 2020

KATE BARKMAN, Clerk  
By        Dep. Clerk

**AFFIDAVIT OF SERVICE**



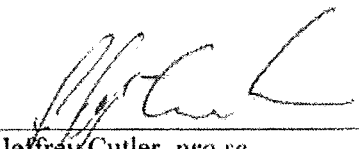
## AFFIDAVIT AND CORRECTED CERTIFICATE OF SERVICE

I Jeffrey Cutler, do hereby certify that I as of this day I have caused correctly served a copy of federal **SUMMONS IN CIVIL ACTION** dated 02/26/2019, Plaintiff's **COMPLAINT** dated 02/26/2019 to **JOHN DOE** Defendants as addressed and specified below via **UNITED STATES PRIORITY MAIL**. With this Affidavit the named individuals have been properly served. I also state that persons are being targeted, and sent to prison upon pleading guilty while others for the same crime are not even being charged such as Matt Laurer, or James Eicher (the guard that raped Lisa Michelle Lambert). Gloria Alred was contacted about Lisa Michelle Lambert by Mr. Cutler and declined to provide any support or an alternate lawyer. The United States government made a claim that their COMPUTER SYSTEMS MAKE ERRORS in a document sent by MAIL. An eight year old boy raped in Bryant Elementary School was denied the ability to file a lawsuit because his parents waited 6 months (Equal Protection for Bill Cosby).

MR. MICHAEL BLOOMBERG  
MICHAEL BLOOMBERG CAMPAIGN HEADQUARTERS  
229 W 43RD STREET  
EIGHTH FLOOR  
NEW YORK, NY 10036  
SERVED 14FEB2020, 3:05 PM

UNITED STATES COURT OF APPEALS -5<sup>TH</sup>  
CIRCUIT  
DEPUTY CLERK ROESHAWN JOHNSON  
& MARY FRANCIS YEAGER  
600 S MAGSTRI PLACE  
NEW ORLEANS, LA 70130  
SERVED 12FEB2020

Date: 25FEB2020

  
Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
cltaxcollector@gmail.com  
P.O. Box 2806  
York, PA 17405



## PLAINTIF'S PROPOSED ORDER FOR SUMMARY JUDGMENT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 upon consideration Plaintiff's Motion for Default Judgment and for good cause shown, it is hereby ORDERED the Motion is GRANTED. SO ORDERED.

- a. Order the SUMMARY Judgment against all defendants be granted and made FINAL at one million dollars per day or as a negotiated amount.
- b. Order the order of Judge Margret Miller made March 17, 2017 against Jeffrey Cutler vacated, the order by Judge Margaret Miller against Jammal Harris vacated and order by Judge Lawrence Stengel against Lisa Michelle Lambert vacated and all persons similarly situated (William Henry Cosby, Jeffrey Smiles, Emily Weinman, David Sommers, Mr. William H. McMichael, Stan Caterbone, Claire Risoldi, Rufus Seth Williams, Stephen T. Kirchner (1873 MDA 2018), Scott Capps, General Flynn, Mr. Popodopolis, Ari Goldstein, Harvey Weinstein, charges against Roger Stone and Eric Snowden, etc.), for violations of equal protection. All prosecutions of Robert Mueller as special prosecutor vacated because his appointment was based on perjured testimony, which is verified by Mr. Steele in a foreign court.
- c. Order the summary and default judgment of all other cases filed by Mr. Cutler in every court also be granted, and all judgements against Mr. Cutler by every Judge vacated including traffic violations for expired inspection in York, PA East Lampeter Township and Haverford, PA.
- d. Order ECF 103, 104, 105 & 106 be denied.
- e. Order Nancy Pelosi and Adam Schiff to resign from their elected positions based on crimes identified in this document, or from their leadership positions.
- f. Order Judge Barry Bloss, Judge Cynthia Rufe, and Judge Eduardo Robreno pay twice their daily salary each day to the innosense project, until they resign.
- g. Order Tom Wolf to resign for interference in interstate commerce by restricting traffic on Pennsylvania highways based on news media reports that were equally reliable on stating the Eagles Football team cannot loose against the Florida Marlins.
- h. Order all vandalism perpetrated against Mr. Cutler and **Mr. Krieger** to be compensated, and listed.
- i. Provide documentation to the court of how much all court costs and legal fees have been to date, and list cost or legal hours and **ALL LEGAL FIRMS** used to try to change the outcome of a certified election, of Jeffrey Cutler and Donald Trump in all future actions with the court by East Lampeter Township Lancaster County. Legal fee documentation should start with the actions of the solicitor on and East Lampeter Township starting in 05NOV2013.

- j. Order East Lampeter Township to reveal all persons or individuals that have expressed interest in this case, especially any officials of the United States Government, and all payments by any George Soros organization.
- k. Order a one million dollar a day penalty per named defendant, until Mr. Cutler's reputation and credit are restored or individual agreements are reached with each party.
- l. Order Susan Peipher Esquire, East Lampeter Township, Lancaster County Courts and unnamed others show cause why they should not be charged with violations of the RiCCO ACT, both 18 U.S.C. §§ 1961-1968. RICO violations, and 18 U.S.C. § 1964, Civil RiCCO Act.
- m. Order Susan Peipher Esquire, Christina Hausner, East Lampeter Township, East Lampeter Township Police, Lancaster County Courts, Ralph Hutchinson, Judge Margaret Miller, Scott Martin, Elam Herr, all named defendants in this case and unnamed others show cause why they should not be charged with violations of 18 U.S.C. § 2113 (bank robbery).
- n. Order Fulton Financial to return all money for accounts ending with 8603 and 8612 with penalties.
- o. Order Fulton Financial to compensate the plaintiffs for cases 5:18-cv-00987 and case 2:17-cv-02763 as demanded in their respective lawsuits.
- p. Order Wikimedia foundation and all media outlets specified to provide space and corrections as provided by the plaintiff and his designated representative for fake news.
- q. Order Summary Judgement be awarded for all other cases Mr. Cutler has been denied due process be awarded.
- r. Other remedies the court deems appropriate.
- s. Order the Democratic National Committee to also show why they are not a party to Religious discrimination.
- t. Order Nancy Pelosi to resign from her position for the false statement (18 USC § 1001) made through her lawyer.
- u. Order Susan Peipher Esquire and other lawyers guilty of similar activities, to be barred from participation in the Federal Court CM/ECF system.
- v. Order the United States Government to stop collecting or accessing penalties **FOR FAILURE to comply with established tenets or teachings of such sect or division of ANY religion in violation of the U.S. Constitution amendment 1 and declare the ACA unconstitutional**, based on the 89 page writ of USCA case 17-2709 on page 314A, and Supreme court case # 15-632.

Dated: \_\_\_\_, 2020 \_\_\_\_

---

BY THE COURT

## ADDENDUM

AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

JEFFREY CUTLER

*Plaintiff(s)*

v.

Civil Action No. 19-0834

NANCY PELOSI

*IN HER OFFICIAL CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES; ASSOCIATED PRESS;  
BEND BULLETIN NEWSPAPER; CITIZENS BANK;  
ERIE INSURANCE; FORD MOTOR COMPANY;  
FULTON BANK; GOOGLE CORPORATION;  
HAVERFORD POLICE DEPARTMENT; LEMBERG LAW  
LLC; MANHEIM SCHOOL DISTRICT; PHILADELPHIA  
NEWSPAPERS INC; STATE FARM INSURANCE; U.S.  
NEWS AND WORLD REPORTS; VERIZON  
CORPORATION; WIKIPEDIA FOUNDATION; JANE  
DOES & JOHN DOES,*

*Defendant(s)*

### SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

*DEPUTY CLERK ROESHAWN JOHNSON  
DEPUTY CLERK MARY FRANCIS YEAGER  
600 S MAGISTR PLACE  
NEW ORLEANS, LA 70130*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JEFFREY CUTLER  
P.O. BOX 2806  
YORK, PA 17405-2806  
PRO SE

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 2/26/2019

*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

JEFFREY CUTLER

*Plaintiff(s)*

v.

NANCY PELOSI

*IN HER OFFICIAL CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES; ASSOCIATED PRESS;  
BEND BULLETIN NEWSPAPER; CITIZENS BANK;  
ERIE INSURANCE; FORD MOTOR COMPANY;  
FULTON BANK; GOOGLE CORPORATION;  
HAVERFORD POLICE DEPARTMENT; LEMBERG LAW  
LLC; MANHEIM SCHOOL DISTRICT; PHILADELPHIA  
NEWSPAPERS INC; STATE FARM INSURANCE; U.S.  
NEWS AND WORLD REPORTS; VERIZON  
CORPORATION; WIKIPEDIA FOUNDATION; JANE  
DOES & JOHN DOES,*

*Defendant(s)*

Civil Action No. 19-0834

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

MR. MICHAEL BLOOMBERG  
MICHAEL BLOOMBERG CAMPAIGN HEADQUARTERS  
229 W 43<sup>RD</sup> Street  
EIGHTH FLOOR  
NEW YORK, NY 10036

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JEFFREY CUTLER  
P.O. BOX 2806  
YORK, PA 17405-2806  
PRO SE

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 2/26/2019

*Signature of Clerk or Deputy Clerk*

# USPS Tracking®

Tracking

Track Another Package +



Track Packages  
Anytime, Anywhere

Get the free Informed Delivery® feature to receive  
automated notifications on your packages

Tracking Number: 9510814149090042461934

## Status

Your item was delivered at 3:05 pm on February  
14, 2020 in NEW YORK, NY 10036. The item was  
signed for by B STADLER.

 **Delivered**

February 14, 2020 at 3:05 pm  
Delivered  
NEW YORK, NY 10036

USPS Premium Tracking™ Available ∨

Get Updates ∨

MOVING? PLEASE SEE YOUR STATE FARM AGENT

Document 11064481 Filed 02/25/20

PLEASE RETURN THIS PART WITH YOUR CHECK MADE PAYABLE TO STATE FARM

INSURED

JSC ASSOCIATES INC

DATE DUE

PLEASE PAY THIS AMOUNT

POLICY NUMBER

98-B0-A548-5

BUS-MERCANTILE

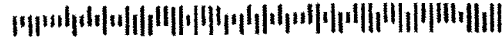
AUG 1 2018

\$325.00

CHK #1935  
 LOCKED OUT SINCE  
 OCT 2, 2017

1309809154

Insurance Support Center  
 P.O. Box 588002  
 North Metro, GA 30029-8002



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(0113091b)

558-181-015-10-04-2018

1510

M 33248

Prepared: JUN 18 2018  
 90 1

FIRE BAL DUE

\$325.00

0915

500825800032500 298654266548501513&gt;

JEFF CUTLER  
 PO BOX 2806  
 YORK, PA 17405-2806

1935

62-8/311  
364

07 JULY 2018 Date

Pay to the  
Order of

STATE FARM Insurance

\$ 325.00

THREE HUNDRED TWENTY FIVE

Dollars



PNC BANK

PNC Bank, N.A. 980

For

96-B0-A548-5

⑆031100089⑆ 5795473401⑆

1935

Marked Check

Black Then | Black Then Myst... X +

https://blackthen.com/black-mysteries-unsolved-death-jonathan-luna/ Search

Most Visited Getting Started

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COMMENTS

Jeffrey Cutler NOVEMBER 7, 2017 - 2:41 PM

REPLY

Jonathan Luna may have been vetting [[Lawrence F. Stengel]] at the behest of [[Stewart Dalzell]] when he was murdered, because of the Lisa Michelle Lambert and [[Murder of Laurie Show]] case. This may be the reason [[R. Seth Williams]] was targeted by the [[FBI]] and the Philadelphia courts and such a harsh sentence for pleading to 1 count of bribery, when [[John Corsine]] was never prosecuted for his involvement in securities fraud. On November 1, 2017 Jeffrey Cutler got a reference number for the report of conspiracy to commit INSURANCE FRAUD by Brian Hurter, Dennis Stuckey, David Buckwalter, Christina Hausner, Susan Peipher, Richard Mills as 17110104. Jeffrey Cutler, the Tax Collector of East Lampeter Township started this cases as well as case # 17-2709, on appeal from case # 2:17-cv-00984, which mentions the 190,000 counts of mail fraud by Brian Hurter and Amber Green Martin for sending out fraudulent property assessments in Lancaster County Pennsylvania. The FBI tried to obstruct justice in the case with a EMAIL to CEASE AND DESIST reporting crimes to them and the office of the Philadelphia District Attorney. In Lancaster County a minimum of 2 African Americans (Jamaal Harris and Andrew Miller) were held without trial in excess of 4 years without trial, and were required to plead guilty to get out of prison. The local newspaper (LNP) and York Daily Record censored a memorial advertisement for his Uncle Irving Cutler, after payment, but refunded the money. The Advertisement was run on October 29, 2017 by the Reading Eagle.



Article Talk

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## Jonathan Luna: Revision history

Help

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For any version listed below, click on its date to view it. For more help, see Help:Page history and Help:Edit summary.

(cur) = difference from current version, (prev) = difference from preceding version.

m = minor edit, → = section edit, ← = automatic edit summary

(newest | oldest) View (newer 50 | older 50) (20 | 50 | 100 | 250 | 500)

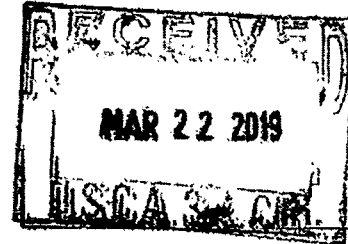
## Compare selected revisions

- (cur | prev) 22:37, 13 February 2020 Tbhotch (talk | contribs) (8,303 bytes) (+18) *.. (Adding ((pp-semi-indent)) (TW))*
- (cur | prev) 22:08, 13 February 2020 Ponyo (talk | contribs) m (8,285 bytes) (11) *.. (Protected "Jonathan Luna": Persistent disruptive editing: IP hopping disruption over several years ((Edit=Require autoconfirmed or confirmed access) (indefinite) (Move=Require autoconfirmed or confirmed access) (indefinite)))*
- (cur | prev) 21:59, 13 February 2020 Ravenslre (talk | contribs) m (8,285 bytes) (-442) *.. (Reverted 4 edits by 173.49.234.47 (talk) to last revision by BrownHairedGirl (TW)) (Tag: Undo)*
- (cur | prev) 21:05, 13 February 2020 173.49.234.47 (talk) (8,727 bytes) (+25) *.. (→New Information: Move Detail~~~~)*
- (cur | prev) 19:01, 13 February 2020 173.49.234.47 (talk) (8,702 bytes) (+74) *.. (→Inquest)*
- (cur | prev) 18:57, 13 February 2020 173.49.234.47 (talk) (8,628 bytes) (+156) *.. (→New Information: Added Pennlive Ref~~~~)*
- (cur | prev) 18:53, 13 February 2020 173.49.234.47 (talk) (8,472 bytes) (+187) *.. (→Inquest: Added New Information~~~~)*
- (cur | prev) 03:09, 19 October 2019 BrownHairedGirl (talk | contribs) m (8,285 bytes) (-3) *.. (replace links to deleted portals: Portal:Crime (aka Portal:Criminal Justice) → Portal:Law) (Tag: AWB)*
- (cur | prev) 13:21, 7 September 2019 Kelzaal (talk | contribs) m (8,288 bytes) (+71) *.. (Date fmt. per MOS:NUM)*
- (cur | prev) 00:36, 27 August 2019 Cobaltcigs (talk | contribs) (8,217 bytes) (-10) *.. (ref/isl)*

(215) 872-5715  
(717) 854-4718

March 25, 2019

Margaret A. Wiegand  
Circuit Executive  
United States Courthouse  
601 Market Street  
22409 United States Courthouse  
Philadelphia, PA 19106-1790



Re: J.C. N.O. 03-08-90218

Dear Circuit Executive;

I hereby petition the judicial council for review of the complaint filed against the Honorable Jeffrey L. Schmehl. I am not a lawyer, and have no formal legal training.

I won the office of Tax Collector by one write-in vote and marble #2 in the November 2013 election. After taking the oath of office (**to Defend the Constitution**) and on the last day of 2013, I went to Washington, DC and filed a challenge to the Affordable Care Act, primarily because I felt it conflicted with a previous Supreme Court Decision, "1947 Everson v. Board of Education". I also asserted that the president made the law unconstitutional by the "Administrative Fix" on 06March2014 (Equal Protection Under The Law).

I am a lousy lawyer, but I tried (I did not know the difference between the 14<sup>th</sup> and 5<sup>th</sup> Amendments for **Equal Protection Under The Law**). However, I am learning more every day. On 26FEB2019 I filed a new civil lawsuit and the case was assigned to the Honorable Jeffrey L. Schmehl. On March 11, 2019 I filed a motion to consolidate cases, but instead of stamping my documents, the clerk (Steve Thomas) signed my copy just like he had in every document of the case 5:17-cv-05025. This prevents sending certifications the same day, no matter how many copies are brought to the court. He said that was instructions from the judge...I have enclosed the original copies of these documents. I am pretty sure this violates equal protection.

Sincerely,

25 MAR 2019

Jeffrey Cutler

Former Tax Collector East Lampeter Township, Pennsylvania

RIEF OF APPELLEE DAVID BUCKWALTER

BLAKINGER THOMAS, PC  
By: Susan P. Peipher, Esquire  
Attorney I.D. #87580  
(717) 509-7239  
E-mail: [spp@blakingerthomas.com](mailto:spp@blakingerthomas.com)  
28 Penn Square  
Lancaster, PA 17603  
*Counsel for Appellee David Buckwalter*

**First Class Mail**

Blakinger Thomas  
28 Penn Square  
Lancaster, PA 17603-3870

Jeffrey Cutler  
67 Cambridge Village  
P.O. Box 2806  
York, PA 17405

**Mail fraud [1841]**

The section needs expansion.  
You can help by adding to it. (April 2019)

18 U.S.C. § 1341<sup>12</sup> provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a Presidential declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.<sup>(9)</sup>

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY CUTLER

Plaintiff

v.

NANCY PELOSI IN HER OFFICIAL  
CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES

CITIZENS BANK,  
FULTON BANK,

WIKIPEDIA FOUNDATION,  
VERIZON CORPORATION,  
GOOGLE CORPORATION,

ERIE INSURANCE,  
STATE FARM INSURANCE,  
LEMBERG LAW LLC,  
FORD MOTOR COMPANY,

MANHEIM SCHOOL DISTRICT,

HAVERFORD POLICE  
DEPARTMENT,

PHILADELPHIA NEWSPAPERS INC,  
ASSOCIATED PRESS,

U.S. NEWS AND WORLD REPORTS,  
BEND BULLETIN NEWSPAPER,

And

JOHN DOES and JANE DOES,

Defendants

CASE NO. 5:19-cv-00834

JURY TRIAL DEMANDED

CORRECTED

CERTIFICATE OF SERVICE

### CERTIFICATE OF SERVICE

I Jeffrey Cutler, do hereby certify that I as of this day I have caused and correctly served a copy of MOTION TO RECONSIDER AND COMBINE WITH CASE NUMBER 2:20-cv-00735 (GRANT v. PHILADELPHIA) AND CASE 4:18-cv-00167-0 dated <sup>20 FEB 2020</sup> ~~12/23/2019~~, to Defendants that are part of the cm/ecf system and have made a notice of appearance as well as those addressed and specified below via first class mail or email and all other previously served Defendants, and all parties in case 2:19-cv-03149, both of which are both part of the cm/ecf system.

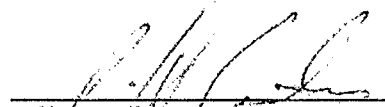
IN HIS OFFICIAL CAPACITY  
PA STATE REPRESENTATIVE  
Brian K. Sims  
1015 Chestnut Street, Suite 1101  
Philadelphia, PA 19107

High Companies  
Michael Shirk, CEO  
1853 William Penn Wasy  
Lancaster, PA 17601

East Lampeter Township  
Blackinger Thomas, PC  
Susan Peipher  
28 Penn Square  
Lancaster, PA 17603

Vicky Piontek, Esquire  
58 East Front Street  
Danville, PA 17821

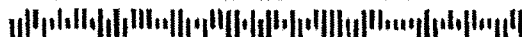
Date: 20 FEB 2020

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)



Department of the Treasury  
Internal Revenue Service  
Austin, TX 73301-0025

030111.222200.285345.11310 1 AV 0.389 700



Notice	CP22A
Tax Year	2017
Notice date	February 10, 2020
Social Security number	[REDACTED]
To contact us	800-829-8374
Your Caller ID	344291
Page 1 of 3	29H



[REDACTED] CUTLER

[REDACTED]

[REDACTED] 2213

030111

Changes to your 2017 Form 1040

**Amount due: \$1,955.29**

The income or deductions reported on your 2017 Form 1040 do not match what was reported to us by your payer or trustees. We've contacted you about this issue, but have no record you've responded as required. So, we've changed your tax return to match our records and correct your:

- pensions and annuities
- taxable social security benefits
- total federal income tax withheld

As a result, you owe \$1,955.29.

If you already have an installment or payment agreement in place for this tax year, then continue with that agreement.

**Billing Summary**

Increase in tax	\$4,079.00
Increase in credit for tax withheld	-2,303.00
Increase in interest	179.29
<b>Amount due by March 2, 2020</b>	<b>\$1,955.29</b>

Continued on back...



MARILYN CUTLER  
7338 WOODCREST AVE  
PHILADELPHIA PA 19151-2213

Notice	CP22A
Notice date	February 10, 2020
Social Security number	[REDACTED]

**Payment**

- Make your check or money order payable to the United States Treasury.
- Write your Social Security number ([REDACTED]), the tax year (2017), and the form number (1040) on your payment and any correspondence.

Amount due by March 2, 2020

**\$1,955.29**

INTERNAL REVENUE SERVICE  
AUSTIN, TX 73301-0010



[REDACTED] QD CUTL 30 0 201712 670 00000195529

**Social Security Administration**  
**Retirement, Survivors and Disability Insurance**  
**Notice of Change in Benefits**

Mid-Atlantic Program Service Center  
300 Spring Garden Street  
Philadelphia, Pennsylvania 19123-2992  
Date: June 13, 2019  
BNC#: 19MD588H68964-HA

316 114876 \*\*AUTOMIXED AADC 206 R P1 T2 M1 PC2 190607

316 KENNETH M KRIEGER  
7626 BROCKTON RD  
PHILADELPHIA PA 19151

We can pay you beginning June 2019.

A computer error terminated your benefits. We apologize for the inconvenience cause by the error.

**What We Will Pay**

We pay Social Security benefits for a given month in the next month. For example, Social Security benefits for March are paid in April.

- You will soon receive a payment for \$980.00, which is the money you are due through June 2019.
- After that you will receive \$980.00 on or about the third of each month.

**Do You Think We Are Wrong?**

If you do not agree with this decision, you have the right to appeal. We will review your case and look at any new facts you have. A person who did not make the first decision will decide your case. We will review the parts of the decision that you think are wrong and correct any mistakes. We may also review the parts of our decision that you think are right. We will make a decision that may or may not be in your favor.

- You have 60 days to ask for an appeal.
- The 60 days start the day after you receive this letter. We assume you received this letter 5 days after the date on it unless you show us that you did not receive it within the 5-day period.
- You must have a good reason if you wait more than 60 days to ask for an appeal.
- You can file an appeal with any Social Security office. You must ask for an appeal in writing. Please use our "Request for Reconsideration" form, SSA-561-U2. You may go to our website at [www.socialsecurity.gov/online/](http://www.socialsecurity.gov/online/) to find the form. You can also call, write, or visit us to request the form. If you need help to fill out the form, we can help you by phone or in person.



19MD588H68964-HA

Page 2 of 2



### **If You Want Help With Your Appeal**

You can have a friend, representative, or someone else help you. There are groups that can help you find a representative or give you free legal services if you qualify. There are also representatives who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it. And if you hire a representative who is eligible for direct pay, we will withhold up to 25 percent of any past due benefits to pay toward the fee.

### **Suspect Social Security Fraud?**

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

### **If You Have Questions**

We invite you to visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-877-445-9977. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY  
4240 MARKET STREET  
PHILADELPHIA PA 19104

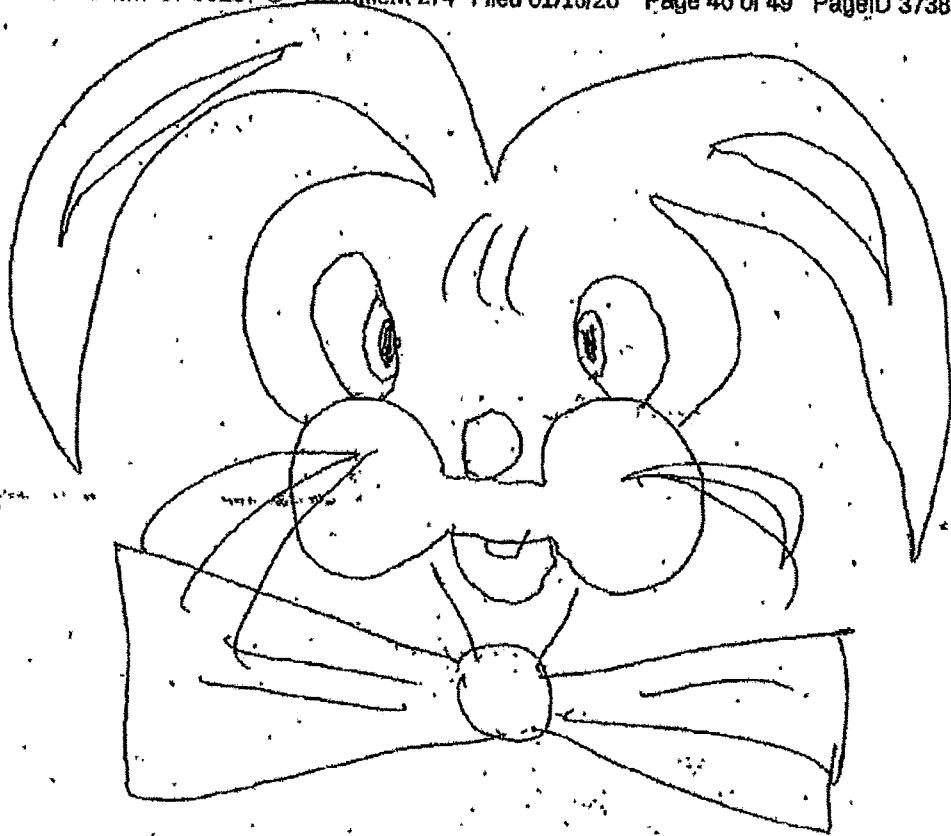
If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

*Social Security Administration*



**AY BEE NORMAL-A SOFTWARE MASS TRANSIT EXPANSION**

BELOW IS A DESCRIPTION OF A PROGRAM TO EXPAND TRAIN PLATFORMS AND TRANSIT SYSTEM AVAILABLE RIDERSHIP WITHOUT ANY CONSTRUCTION. MOST MASS TRANSIT SYSTEMS ARE BUILT TO ALLOW FOR FIXED LENGTH PREDEFINED TRAINS. TO EXPAND THESE SYSTEMS NORMALLY REQUIRES LONGER STATIONS THAT CAN USE THE LONGEST TRAIN. BY MIXING A, B AND AB TRAINS PASSENGER CAPACITY CAN BE EXPANDED WITHOUT ANY PHYSICAL CONSTRUCTION JUST BY ADDING ADDITIONAL CARS TO THE TRAIN. FOR EXAMPLE A SYSTEM DESIGNED FOR 6 CAR TRAINS, WOULD USE TRAINS THAT HAVE AN A, B, AND AB TRAINS. THE A TRAINS COULD BE 12 CARS, THE B TRAINS COULD BY 12 CARS AND THE AB TRAINS ARE ALWAYS 6 CARS OR SHORTER. AN A TRAIN STOPS AT A STATION DESIGNED FOR 6 CARS, AND THEN MOVES FWD TO ALLOW THE ADDITIONAL 6 CARS TO LOAD OR UNLOAD. A B TRAIN STOPS AT A STATION DESIGNED FOR 6 CARS, AND THEN MOVES FWD TO ALLOW THE ADDITIONAL 6 CARS TO LOAD OR UNLOAD. A C TRAIN STOPS AT ALL STATIONS. BY MIXING 12 AND 6 CAR TRAINS AND STOPS, THE ENTIRE SYSTEM CAPACITY IS INCREASED, WITHOUT SACRIFICING TRAIN ARRIVAL TIME, OR TIME BETWEEN TRAINS.



THINK

HARVEY

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY CUTLER

Plaintiff

v.

NANCY PELOSI IN HER OFFICIAL  
CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES

CITIZENS BANK,

FULTON BANK,

WIKIPEDIA FOUNDATION,

VERIZON CORPORATION,

GOOGLE CORPORATION,

ERIE INSURANCE,

STATE FARM INSURANCE,

LEMBERG LAW LLC,

FORD MOTOR COMPANY,

MANHEIM SCHOOL DISTRICT,

HAVERFORD POLICE

DEPARTMENT,

PHILADELPHIA NEWSPAPERS INC,

ASSOCIATED PRESS,

U.S. NEWS AND WORLD REPORTS,

BEND BULLETIN NEWSPAPER,

And

JOHN DOES and JANE DOES,

Defendants

CASE NO. 5:19-cv-00834

JURY TRIAL DEMANDED

FILED

FEB 25 2020

KATE BARKMAN, Clerk  
By JL Dep. Clerk

CERTIFICATE OF SERVICE

## CERTIFICATE OF SERVICE

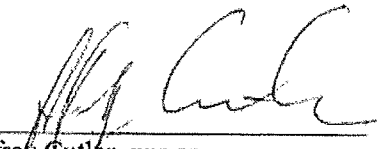
I Jeffrey Cutler, do hereby certify that I as of this day I have caused and correctly served a copy of **AFFIDAVIT OF SERVICE** dated 25FEB2020, and **CORRECTED CERTIFICATE OF SERVICE** from 20FEB2020 to Defendants that are part of the cm/ecf system and have made a notice of appearance as well as those addressed and specified below via first class mail or email and all other previously served Defendants, and all parties in case 2:19-cv-03149, both of which are both part of the cm/ecf system.

IN HIS OFFICIAL CAPACITY	High Companies	East Lampeter Township
PA STATE REPRESENTATIVE	Michael Shirk, CEO	Blackinger Thomas, PC
Brian K. Sims	1853 William Penn Wasy	Susan Peipher
1015 Chestnut Street, Suite 1101	Lancaster, PA 17601	28 Penn Square
Philadelphia, PA 19107		Lancaster, PA 17603

Vicky Piontek, Esquire  
58 East Front Street  
Danville, PA 17821

MR. MICHAEL BLOOMBERG	UNITED STATES COURT OF
MICHAEL BLOOMBERG CAMPAIGN	APPEALS -5 <sup>TH</sup> CIRCUIT
HEADQUARTERS	DEPUTY CLERK ROESHAWN
229 W 43RD STREET	JOHNSON
EIGHTH FLOOR	& MARY FRANCIS YEAGER
NEW YORK, NY 10036	600 S MAGSTRI PLACE
SERVED 14FEB2020, 3:05 PM	NEW ORLEANS, LA 70130
	SERVED 12FEB2020

Date: 25 FEB 2020

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

In The  
**United States Court of Appeals**  
**for the Fifth Circuit**

**19-10011**

JEFFREY CUTLER  
Intervenor Paintiff-Appellee

STATE OF TEXAS, et al.  
Paintiff-Appellees

v.

UNITED STATES OF AMERICA, et al.  
Defendants-Appellants

STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants

NANCY PELOSI  
Intervenor Defendants-Appellant

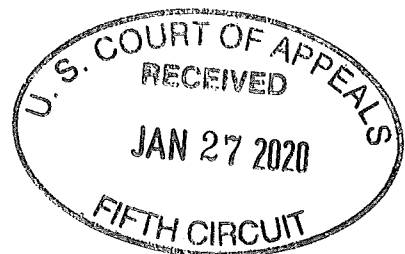
*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

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**BRIEF AND ADDENDUM**  
**Volume I (Pages 1-153)**

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JEFFREY CUTLER  
P.O. Box 2806  
York, PA 2806  
(215) 872-5715  
*Pro Se Appellee*



In The  
United States Court of Appeals  
for the Fifth Circuit

19-10011

JEFFREY CUTLER  
Intervenor Paintiff-Appellee

STATE OF TEXAS, et al.  
Paintiff-Appellees

v.

UNITED STATES OF AMERICA, et al.  
Defendants-Appellants

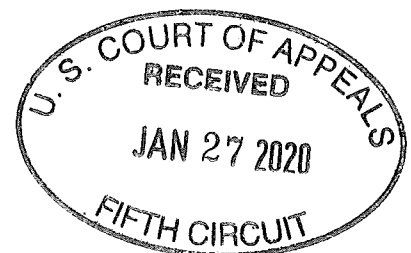
STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants

NANCY PELOSI  
Intervenor Defendants-Appellant

*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

**PETITION TO TRANSFER CASE TO PENNSYLVANIA AND  
COMBINE WITH CASE 5:19-cv-00834**

ORAL ARGUMENTS REQUESTED



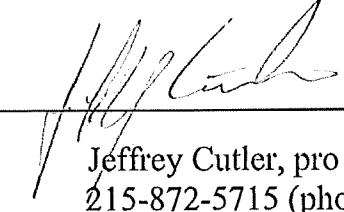
Notice is hereby given Jeffrey Cutler, Plaintiff Intervenor in district court case number 4:18-cv-00167-0 hereby appeals to the United States Court of Appeals for the Fifth Circuit the Order from the United States Northern District of Texas dated January 16, 2020 denying Plaintiff's MOTION FOR RECONSIDERATION OF MOTION TO CHANGE VENUE FOR CASE 4:18-cv-00167-0 FROM STATE OF TEXAS TO PENNSYLVANIA AND COMBINE CASE WITH 5:19-cv-00834 , and the motion denying Plaintiff's motion of December 30, 2019. The current order is in error since the USCA order of December 18, 2019, remanded the case back to District Court and for further disposition and was unopposed and is still unopposed. Mr. Cutler had previously filed a document by MAIL on March 1, 2019 but it was illegally discarded. He then filed on March 7, 2019 (ECF 274) and the clerk decided it would be ignored. It also violates Mr. Cutler's rights under the Sixth Amendment of the Constitution. Based on Elouise Pepion Corbel et al. v. Gale v. Norton, et al. (03-5262, 03-5314). Mr. cutler requests the district court cases be consolidated in Pennsylvania and deliberations allowed on an expedited basis since they both involve related issues and the Supreme Court has indicated they will not consider the case this term. The petitioner, Jeffrey Cutler, acting pro se, respectfully previously identified that the speaker of the house of representaives, Nancy Pelosi made a false statement in court via her lawyer (Mr Donald B. Verilli Jr.) stated "[N]o one would be hurt and the greater justice would be attained" and

violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime. During a speech at the National Association of Counties' annual Legislative Conference on 9 March 2010, in Washington D.C. <ref><https://www.youtube.com/watch?v=QV7dDSgbaQ0> </ref> she stated "We have to pass the bill to find out what is in it". The petitioner "found out what was in it" and filed a Pro se lawsuit 31DEC2013 in Wasington, DC case 1:13-cv-2066. He also via lawyers hired had previously filed a Writ of Certiorari for the Supreme Court of the United States (15-632) and inserted that same writ in United States Court of Appeals case 17-2709, page 314A. The individual mandate of Obamacare is now null and void based on the rulling of the USCA and the other provisons of the bill should also be eliminated to preserve the constitution.

**WHEREFORE**, for all the foregoing reasons, petitioner respectfully requests that this Court declare the entire Obamacare law UNCONSTITUTIONAL, during an immediate ENBANC review of this case when combined with the writ from case 15-632 and grant a transfer of the rest of this district court case and let a jury determine the penalties for each party.

Respectfully submitted,

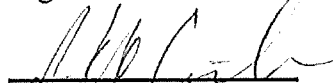
DATE: 25 JAN 2020

  
 Jeffrey Cutler, pro se  
 215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
 P.O. Box 2806  
 York, PA 17405



### CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2020, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit via next day United States Mail. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that all of the other participants or their lawyers in this case are registered CM/ECF users.

  
Jeffrey Cutler

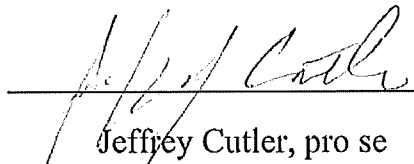
25 JAN 2020

### CERTIFICATION OF COMPLIANCE

This brief complies with the type-volume limitations of Fed. R. AP. P. 35(b)(2) and Circuit Rule 40-1 because this brief contains no more than 15 pages, excluding the parts of the brief exempted by Fed. R. AP. P. 32.

Respectfully submitted,

DATE: 25 JAN 2020

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

## ADDENDUM

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

TEXAS et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 4:18-cv-00167-O
	§	
UNITED STATES OF AMERICA et al.,	§	
	§	
Defendants.	§	
	§	

**ORDER**

Before the Court is Movant Jeffrey Cutler’s Motion for Reconsideration (“Motion”) (ECF No. 274), filed January 16, 2020. Having considered the Motion and applicable law, the Court finds Movant’s Motion should be and is hereby **DENIED**. The Court denied Movant’s Motion to Transfer Case out of District because this Court lacks jurisdiction. *See* January 2, 2020 Order, ECF No. 271.

Here, the Court need not re-consider whether this Court has jurisdiction because the Fifth Circuit is clear. “The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back: ‘The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.’” *United States v. Lucero*, 755 F. App’x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit’s jurisdiction and eliminated this Court’s jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant’s Motion is **DENIED**.

**SO ORDERED** on this 21st day of January, 2020.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

TEXAS et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA et al.,

Defendants.

Civil Action No. 4:18-cv-00167-O

ORDER

Before the Court is Movant Jeffrey Cutler's Motion to Change Venue ("Motion") (ECF No. 269), filed December 30, 2019. "The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back. The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *United States v. Lucero*, 755 F. App'x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58, (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit's jurisdiction and eliminated this Court's jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant's Motion is **DENIED**.

SO ORDERED on this 2nd day of January, 2019.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

Case 4:19-cv-00167 Document 100-5 Filed 12/18/19 Page 22 of 26  
Case 4:19-cv-00167 Document 100-5 Filed 12/18/19 Page 22 of 26

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 18, 2019

No. 19-10011

Lyle W. Cayce  
Clerk

D.C. Docket No. 4:18-CV-167

STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA; STATE  
OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA; STATE OF  
KANSAS; STATE OF LOUISIANA; STATE OF MISSISSIPPI, by and  
through Governor Phil Bryant; STATE OF MISSOURI; STATE OF  
NEBRASKA; STATE OF NORTH DAKOTA; STATE OF SOUTH  
CAROLINA; STATE OF SOUTH DAKOTA; STATE OF TENNESSEE;  
STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF ARKANSAS;  
NEILL HURLEY; JOHN NANTZ,

Plaintiffs - Appellees

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF  
HEALTH & HUMAN SERVICES; ALEX AZAR, II, SECRETARY, U.S.  
DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES  
DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, in his  
Official Capacity as Commissioner of Internal Revenue,

Defendants - Appellants

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF  
COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF  
ILLINOIS; STATE OF KENTUCKY; STATE OF MASSACHUSETTS;  
STATE OF NEW JERSEY; STATE OF NEW YORK; STATE OF NORTH  
CAROLINA; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF  
VERMONT; STATE OF VIRGINIA; STATE OF WASHINGTON; STATE OF  
MINNESOTA,

Intervenor Defendants - Appellants

Appeals from the United States District Court for the  
Northern District of Texas

Case 4:18-cv-00167 Document 374 Filed 01/16/20 Page 20 of 10 PageID 2521  
Case 4:18-cv-00167 Document 374 Filed 01/16/20 Page 20 of 10 PageID 2521

Before KING, ELROD, and ENGELHARDT, Circuit Judges.

### J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part, vacated in part, and remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

KING, Circuit Judge, dissenting.

Case 5:19-cv-00834-JLS Document 89 Filed 07/05/19 Page 10 of 49  
Case 5:19-cv-00834-JLS Document 89 Filed 07/05/19 Page 10 of 49  
Case 5:19-cv-00834-JLS Document 89 Filed 07/05/19 Page 10 of 49  
Case 5:19-cv-00834-JLS Document 89 Filed 07/05/19 Page 10 of 49  
USCA Case #14-5183 Document #1567864 Filed: 08/14/2015 Page 1 of 1

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 14-5183**

**September Term, 2014**  
FILED ON: AUGUST 14, 2015

**JEFFREY CUTLER,**

**APPELLANT**

**v.**

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,**  
**APPELLEES**

**Appeal from the United States District Court**  
**for the District of Columbia**  
**(No. 1:13-cv-02066)**

**Before: HENDERSON, ROGERS and MULLET, Circuit Judges**

**JUDGMENT**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED and ADJUDGED** that the judgment of the District Court appealed from in this cause be reversed as to Cutler's standing to press his Establishment Clause challenge, and be affirmed both as to the merits of his Establishment Clause claim and his lack of standing to press his equal protection challenge, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

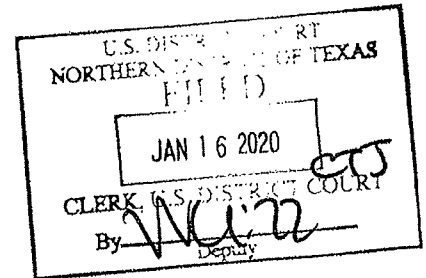
**BY:** /s/  
Ken Meadows  
Deputy Clerk

**Date: August 14, 2015**

**Opinion for the court filed by Circuit Judge Mullett.**



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS,  
FORT WORTH DIVISION



TEXAS, et al.

Plaintiffs

JEFFREY CUTLER

Intervenor-Plaintiff

v.

UNITED STATES OF AMERICA, et al.

Defendants

CALIFORNIA, et al.

Intervenor-Defendants

CASE NO. 4:18-cv-00167-0

JURY TRIAL DEMANDED

**MOTION FOR RECONSIDERATION OF MOTION TO CHANGE VENUE  
FOR CASE 4:18-cv-00167-0 FROM STATE OF TEXAS TO  
PENNSYLVANIA  
AND COMBINE CASE WITH 5:19-cv-00834**

Here comes Jeffrey Cutler, acting Pro se, respectfully makes a motion for **MOTION FOR RECONSIDERATION** in this case, because the motion was **UNOPPOSED**, and Mr. Cutler previously had attempted to intervene in the USCA case 19-10011 and his documents were destroyed (**mail fraud**). , previously in that case on March 1, 2019 (**obstruction of justice**) which was documented on page 8 of document 4 of in the Eastern District of Pennsylvania case 5:19-cv-00834. Mr. Cutler consequently had it filed in person at the USCA at in New Orleans on March 7, 2019 and the clerk ruled it was not authorized, but it became part of the docket for case 19-10011 and it was documented on page 5 of the same document. Since these activities were in furtherance of a federal crime the change of venue and combination of the cases should be granted as a **VALID EXCEPTION TO THE GENERAL RULE** . Despite significant crimes against Mr. Cutler including “**SNEAK AND PEAK**” **WARRANTS** and misconduct by public officials **NOT A SINGLE NEWS MEDIA OUTLET REPORTED** any of these activities as if Mr. Cutler was as **INVISIBLE** like the **RABBIT** in the 1950 movie **HARVEY** with Jimmy Stewart . Previously Jeffrey Cutler filed a RESPONSE TO GOOGLE, LLC (ECF 99) FOR WRIT OF EXECUTION AND WHISTLEBLOWER on 08NOV2019 had respectfully requested the court per rule 6 direct the clerk of court declare all parties in DEFAULT for failing to respond to the document filed 08NOV2019 (ECF 101), and

pursuant to Rule 55(b)(1) of the Federal Rules of Civil procedure, for entry of default against all defendants in support of this request Jeffrey Cutler relied on the record in the case and the affidavit submitted. Mr. Cutler also requested the court schedule a jury trial to determine the shared liability of all defendants in this case and provide an impartial judge with no history to any defendant in this case such as Juan Ramon Sanchez.. Mr. Cutler NOW **REQUESTS ON AN EMERGENCY BASIS SCHEDULE A START DATE FOR** A jury trial to determine the shared liability of all defendants in case number 5:19-cv-00834 in the Eastern District of Pennsylvania, provide an impartial judge with no history to any defendant in the cases and provide the test of the constitutionality of the Pennsylvania INPECTION LAW OF VEHICLES and total constitutionality of the **ACA** (OBAMACARE), which was declared **UNCONSTITUTIONAL BY AN APPEALS COURT ON 18DEC2019**. Mr. Cutler filed an original case in Washington (**1-13-cv-2066 31DEC2013**), which was granted the right to defend the establishment clause on 14AUG2015. The case went to the Supreme Court of the United States as case 15-632 and was denied on or about 10JAN2916. Based on this history, and since all the defendants in case 5:19-cv-00834 have DEFAULTED in an equal distribution of the 6.5 Billion dollar requested compensation may not be the best solution. Per ECF 115 all defendants should testify under oath, and show why they failed

to show GOOD CAUSE why BEING OUT OF TIME, they should be excused. Mr. Cutler per the order in United States Court of Appeals case 19-10011 states they should be DENIED. Mr. Ricahard Coe should also show cause why he USED MAIL FRAUD TO TRY AND JUSTIFY HIS CASE to defend his client and alter the results of the court. NANCY PELOSI (SPEAKER OF THE HOUSE) should show why she has not also VIOLATED THE UNITED STATES CONSTITUTION AMMEND 6 (AGAINST THE PRESIDENT..RIGHT TO SPEEDY TRIAL) and RIGHT TO HAVE A LAWYER PRESENT. The President was denied these rights by the actions of Adam Shiff, just like Mr. Jammal Harris was denied these rights in the federal court Habeus Court hearing by Craig Stedman in the Lancaster County District Attorney Mr. Cutler also notifies the court that tweets by Mark Zaid (about the "COUP HAS BEGUN" and alteration of documents by KEVIN CLINESKITH, and SALLY MOYER should be forced to testify under oath. Since the order of the of the Fifth Circuit did not specifically identify the district court that should continue establishing the other parts of the CONSTITUTIONALITY of THE ACA. In the name of JUDICIAL EFFICIENCY and preservation of the United States Constitution Ammend 1, the combination of the cases should be Granted and the apparent MURDERS of FEDERAL EMPLOYEES. As a DECLARED WHISTLE BLOWER HE SHOULD BE PROTECTED

**WITH A CEASE AND DESIST** AGAINST THE PARTIES, THAT ARE **SOME OF THE SAME INDIVIDUALS** THAT HAVE CONSPIRED TO TRY AN FALSEY IMPEACHMENT AGAINST THE PRESIDENT USING PERJURED TESTIMONY. All persons mentioned by Mr. Cutler in EVERY lawsuit and their lawyers should be allowed to testify under oath to explain why on or about march 17, 2017 Amber Geen, Bian Hurter, Dennis Stuckey, Mr. Buckwalter, Ralph Hutchinson, and judge Margaret Miller along with the lawyers (Susan Peipher, Christina Hausner) all conspired to commit a bank robbery of Fulton Bank. Susan Peipher and Christina Hausner wrote a note which judge Margaret Miller signed. It was then executed by Mark Katkovcin at Fulton Bank on or about April 3, 2017 (18 U.S.C. § 2113). The total amount of the robbery exceeded \$ 900,000.00. Mr. Cutler had arranged for his mother to mail him a birthday card and birthday check from CITIZEN's bank to the lock box he opened on or about January 07, 2014 with a \$ 4,000 deposit to Fulton Bank. Susan Peipher knew or should have known that Amber Green failed to have a surety bond when she created a resolution to assign her the Tax Collection duties on Feb 23, 2017, and did not have one until on or about July 18, 2018, and thus was NEVER ALLOWED TO COLLECT THE TAXES LEGALLY. Also Lawyer Richard Mills conspired to defraud Travelers Insurance and file a false lawsuit which violated 18 U.S.C. 242 (deprivation of rights under color

of law) and also conceal 190,000 counts of Mail Fraud and at least 2 counts of insurance fraud with LNP newspaper and NBC affiliate WGAL by committing perjury and making false statements under oath, just like James Comey made false statements to the FISA court on multiple occasions, for spying on the president. Also as per as per ECF #5 in federal case number 2:17-cv-00984 by the late Thomas O'Neill, the order denies any claims for failure to notify all parties and ECF 111 and 112 fails to notify ALL parties that were served even though they are listed by Cutler. This was all done because Mr. Cutler is Jewish, just they previously set up Lisa Michelle Lambert for Murder, after raping her at gunpoint. The murder of 4 individuals in Jersey City, NJ. on 10DEC2019 was identified by the Mayor of that city as targeted event aimed at the KOSHER GROCERY STORE. Cutler also notified the court in his previous filing that the three traffic citations for failing to get a vehicle inspection and the constitutionality of law be argued in this court to provide a neutral change of venue since Judge Denise Cummins is named in a pending federal lawsuit in the United States Court of Appeals (18-3693) with Mr. Cutler. It should also be noted that as part of ECF 109, evidence of Google sending the the cert of 25OCT2019 to the WRONG ADDRESS, Mr. Coe of DrinkerBiddle&Reath sent the cert when it was returned on 18NOV2019 by conventional mail and it was not recieved by Mr. Cutler until 06DEC2019. A callas disregard for getting the

document on time to Mr. Cutler instead of priority mail, and a form of MAIL FRAUD. The three traffic citations mentioned previously for clarity are MJ-32125-TR-0001212-219, MJ-02302-TR-003403-2019, and TR0001501-2019. All mail was diverted from Mr. Cutler so that all documents were only picked up on 06DEC2019. Conspiracy and Mail Fraud, because Mr. Cutler is Jewish, and the parties are acting as an agent of the Klu Klux Klan to conceal a federal crime of Murder of a government employee and violated 18 U.S.C. 242 (deprivation of rights under color of law). ECF 110 by Fulton Bank should be DENIED because it tries to coverup a **FEDERAL FELONY** and also obstruct the discovery of the individuals that actually carried out the **MURDER** of a **FEDERAL EMPLOYEE**. Nancy Pelosi on 10DEC2019 stated that the president is being impeached for **ABUSE OF POWER** and **OBSTRUCTION OF CONGRESS**. Based on the logic applied by the house, any **VETO** could also be considered **OBSTRUCTION OF CONGRESS**. Mr. Cutler has also notified the court that laws recently signed by Mr. Tom Wolf, the current elected forty-seventh Pennsylvania governor that the law started as Senate bill 473 violates the Pennsylvania constitution by violating the Uniformity clause by providing different tax rates to individuals that are in the military and not in the military. The summary offense is just a form of taxation, and cannot be applied unequally, as was the ruling for allowing of universal



marriage between 2 people. He also notifies the court that Judge Barry Bloss, Cynthia Rufe, and Judge Eduardo Robreno violated 18 U.S.C. 242 (deprivation of rights under color of law). Judge Robreno issued an order on October 9, 2019 that threatened Mr. Cutler with violent consequences by MAIL, if he tried to file a motion for reconsideration, violating the United States Constitution Amendment 1 and right to defend the first Amendment granted by the United States Court of appeals on 14AUG2015.

Judge Bloss ignored the federal action, and still issued a warrant, even though he had documentation to the contrary. Brian Sims has been in default since the end of May 2019. Judge Rufe had violated Mr. Krieger's rights by not allowing discovery and due process, and violated 18 U.S.C. 242 (deprivation of rights under color of law) FOR NEW CRIMES for which he was subjected, and protected members of the Klu Klux Klan.

Mr Cutler had previously requested court issue a Writ of Execution against all defendants in favor of all Plaintiffs in both cases. The final combination of case # 5:19-cv-00834 with case # 2:19-cv-03149, and find all parties guilty of default and summary judgement. Even though the cause in case 2:19-cv-03149 was identified as employment discrimination it actually is religious and race discrimination based on Tami Levin being born Jewish and a target by members of the KLU KLUX KLAN, and ALSO that it was the target of the Philadelphia DA pursuant to furtherance of a federal crime,



specifically the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). This case also involves bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor Company, ERIE Insurance Group, Verizon, and Fulton Bank have misrepresented their activities in their reports, and the other parties of this case and their lawyers have conspired to cover up these events. When six police officers from East Lampeter Township conspired with the constable to destroy all the evidence in the case by Ralph Hutchinson, Amber Green Martin, Scott Martin, Brian Hurter and others not mentioned or served to steal in excess of over \$ 900,000.00 with the aid of the Lancaster County Courts based on perjured testimony but violating the Ten Commandments by bearing FALSE WITNESS with the aid of the news media (LNP and NBC and others) did willfully conspire to hide MURDERS, by public \ officials that may be members of the KKK including possible the current Mayor of Philadelphia and Govenor of Pennsylvania. On October 7, 2019 James Clapper (the former Director of National Intelligence) admitted on CNN he was carrying out the orders of President Obama when he set-up President Trump using a manufactured document contracted by the Democratic party and to Mr. Christopher Steele. Mr. Rufus Seth Williams,

the former District Attorney of the city of Philadelphia (and an African American) may have been targeted because he was either going to, or was engaged in trying to investigate the murder of Johnathan Luna, and also the 5 children on May 13, 1985. The Philadelphia District

Attorney supported by a George Soros organization <ref>  
<https://www.inquirer.com/philly/news/politics/Soros-145-million-investment-in-DAs-race-draws-heat-for-Krasner.html> </ref>, is documented proof that the Mr. Krasner may have an

agenda that discriminates against Jewish individuals and his

support for reducing charges against Michael White for the knife

murder in the back to an unarmed Sean Schellenger and subsequent throwing

the case and legalizing the Murder of unarmed individual (Jewish

Individual). The only thing Mr. Krasner did not do is try to get the jury to

believe it was a suicide. <ref> <https://6abc.com/murder-charges-reduced-in-deadly-center-city-stabbing/3860985/> </ref>

The Medical examiner of Philadelphia recently was sued by the parents of a Jewish school teacher that was found dead and previously be been declared a

murder, and was changed to suicide, allegedly based on police pressure.

<ref> <https://www.pennlive.com/news/2019/10/parents-sue-medical-examiner-to-change-daughters-death-ruling-from-suicide-to-homicide.html> </ref> Mr. Soros had previously done an

interview with television show 60 minutes expressing his pleasure in

destroying the lives of Jewish individuals. <ref> <https://www.worldcat.org/title/60-minutes-george-soros/oclc/934520933> </ref> Mr. Krasner was backed significantly by

a Soros organization in a reported amount of 1.4 million. The default

judgement filed 18JUN2019 as part of case 5:19-cv-00834 the against Brian

Sims in his Official Capacity as the only openly gay Representative of the Commonwealth of Pennsylvania did PROUDLY show he willfully and deliberately violated the United States Constitution, the establishment clause Ammend 1 and his Oath of Office, by actively preventing a woman from praying across the street of the Planned Parenthood office in Philadelphia. The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi in her official capacity did violate via her lawyer (Mr Donald B. Verilli Jr.) and stated “[N]o one would be hurt and the greater justice would be attained” and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime on her behalf just after she became speaker of the house. She has also has interfered with the treaty between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters with Annex, signed at Kiev on July 22, 1998, and with an Exchange of Notes signed on September 30, 1999, which provides for its provisional application. Katie Hill (a Democrat member of the house from California) was forced to resign from office and a story in the Baltimore Sun references a picture with her or her lover and a NAZI Iron cross tatoo. <ref> <https://www.baltimoresun.com/opinion/readers-respond/bs-ed-rr-liberal-media-katie-hill-letter-20191030-x5rieak2mff7xfcqfmdtdr7qha-story.html> </ref> Based on the Katie Hill resignation, **Nancy Pelosi must also resign her position.** In

another previous incident by a member of the house of Representatives United States Representative <ref> <https://www.youtube.com/watch?v=m3Ruf64GDgA> </ref> Mr. Adam Schiff did willfully and with forethought did intentionally violate the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). Also this case also involves (18 U.S. Code § 1519 – Destruction, alteration, or falsification of records), (18 U.S. Code § 1505 – Obstruction of proceedings before departments). It is now reported that a staffer of Adam Schiff was linked to a think tank backed by Burisma, the Ukrainian energy company involved in the Hunter Biden controversy. <ref> <https://www.youtube.com/watch?v=9SsZVwonUHw> </ref> By requesting the case be dismissed with prejudice and the joint filing by ASSOCIATED PRESS, PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level of conspiracy and also George Soros linked groups hurting people like Taylor Swift <ref> <https://www.youtube.com/watch?v=lqiasqMJXac> </ref> and per United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v. Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984).

The courts have affirmed, it must “afford a liberal reading to a complaint filed by a pro se plaintiff,” particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) (“A

document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted).

WHEREFORE, for all the foregoing reasons, and the documented murders of 3 federal employees by Mr. Cutler (Jonnathan Luna, Beranton Whisenant, and Justin Zemser) and 5 children on May 13, 1985 and significant discrimination against other Jewish individuals (11 murdered by Robert Bowers 2:18-cr-00292), (discrimination by police in Philadelphia police department against Jewish Police officers 2:18-cv-05029), Mr Cutler’s motion in District of Columbia case #1:17-cv-01154 (ECF #79) the books “Love-Murder-Corruption-Lancaster-County“ and “BLACK KLANSMAN”. Although the may be Klu Klux Klan, which was outlawed in 1871, and has not been specifically identified, equal treatment under the law violations are apparent in this case. The mayor of Philadelphia has made several statements supporting Hahnamenn hospital but the actions of the city fail to support that calim, which amounts to perjured testimony. The governor of Pennsylvania has made several statements supporting Hahnamenn hospital but the actions of the commonwealth fail to support that calim, which amounts to perjured testimony. The bankruptcy courts have also deleted documents in supprt of the has Specifically, theu recently

filed a notice to cancel their operating license to be a hospital. A seven year old boy that died as result of an activity is being prosecuted while those responsible for the MURDER of a seven year old boy May 13, 1985 has gone completely unpunished in any form, and concealed from normal view.

<ref> <https://www.inquirer.com/news/death-subway-charges-broad-street-line-septa-district-attorney-philadelphia-aden-devlin-20190829.html> </ref>

The recent deaths of Whitey Bolger (and Mr. Bolger's relative involved with Joe Biden's son in Ukraine gas company) and Jeffrey Epstein and multiple praise for late senator Byrd by Hillary Clinton demonstrates the level this has existed in the United States also for a long period of time including the Scottsboro Boys in 1931, the Democratic party and on August 16, 2016 Seth

Rich is mentioned in the filing in Philadelphia United States Court of Appeals for the Third Circuit case 16-3164 <ref> [https://en.wikipedia.org/wiki/Talk%3ADemocratic\\_National\\_Committee#Removed\\_sentence](https://en.wikipedia.org/wiki/Talk%3ADemocratic_National_Committee#Removed_sentence) </ref>.

In fact persons in the United States Government have obstructed justice in this case as well as case 19-11466 and may be involved in blocking another federal case 2:19-cv-03149. The rampant discrimination in Pennsylvania by the Klu Klux Klan against Jewish, African Americans, and other (some of which Government Officials) are other minorities is a stain on the constitution. A rose by any other name would smell just as sweet, the KLU KLUX KLAN, no matter the name they PROUDLY use just smells, like a number 2. The court should also deny all parties a motion to Dismiss since

they all failed to notify in all responses to all parties as and would violate equal protection as per ECF #5 case # 2:17-cv-00984 by the late Thomas O'Neill, the order denies any claims for failure to notify all parties.

Haverford Police have finally decided to notify all parties, but documented history cannot be undone, and they have presented NO argument which suggest they should be excused. ALSO that it was pursuant to furtherance of a federal crime. This is just like the activities that were charged against general Flynn by the FBI that were intentionally set-up. In this case the federal crimes are specifically mail fraud, abuse of power, abuse of process, bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor Company, and ERIE Insurance Group, have misrepresented their staues in reports filed with the cars sold. Based on other information, these Air bags could be used to Murder persons on demand by members of the Deep State. <ref> <https://www.consumerreports.org/car-recalls-defects/takata-airbag-recall-everything-you-need-to-know/> </ref> Lemberg Law acting as an agent for Ford Motor Company did deny they are representing Mr. Cutler after notifying him via mail they intend to represent him. Mr. Cutler has not driven his 2011 Ford Fusion since Oct 2, 2017 when six police officers from East Lampeter Township conspired with the constable to destroy all the evidence in the case by Ralph Hutchinson, Amber Green Martin, Scott Martin, Brian Hurter and others not



mentioned or served to steal in excess of over \$ 900,000.00 with the aid of the Lancaster County Courts based on perjured testimony but violating the Ten Commandments by bearing FALSE WITNESS with the aid of the news media (LNP and NBC) did willfully conspire to hide MURDERS, by public officials that may be members of the KKK. Mr. Cutler owns 10 shares of Ford Motor Company Stock and also 10 shares of Fulton (stock symbol FULT) in Schwab accounts. The default judgement filed 18JUN2019 against Brian Sims in his Official Capacity as a Representative of the Commonwealth of Pennsylvania did PROUDLY show he willfully and deliberately violated the United States Constitution, the establishment clause Ammend 1 and his Oath of Office, by actively preventing a woman from praying across the street of the Planned Parenthood office in Philadelphia. The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes (18 U.S. Code § 1519 – Destruction, alteration, or falsification of records), (18 U.S. Code § 1505 – Obstruction of proceedings before departments). By requesting the case be dismissed with prejudice and the joint filing by ASSOCIATED PRESS, PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level of conspiracy United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v. Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984). Recently law enforcement officals which may be members of the KKK using illegal



tracking techniques targeted Mr. Cutler to prevent his free movement, by giving penalties for failing to have an inspection on the dodge truck vehicle, in Springettsbury Township, York PA, Haverford Township and East Lampeter Township. The law being used against Mr. Cutler is UNCONSTITUTIONAL. It is a NON-UNIFORM TAX on persons, which violates the Commonwealth of Pennsylvania UNIFORMITY CLAUSE of the Pennsylvania Constitution. The Commonwealth is aware of every vehicle that has an inspection since they actually charge an MCI fee for each car which is called in to PENDOT and does not mail fines to all subject vehicles. They also do not apply the law to any vehicles from other states which travel in Pennsylvania even though speed regulations are enforced. The Supreme Court of the United States Supreme Court cited equal protection in their approval of universal marriage despite the birth sex of the parties, June 26, 2015. The United States Supreme Court has also also cited by unanimous consent that excessive fines are unconstitutional by States in *Timbs v. Indiana*. This an attempt by the governor to use the government to commit premeditated Murder of Mr. Cutler for exposing the KKK in Pennsylvania, and the United States to cover crimes being inflicted upon residents of the commonwealth. The Governor has all types of enforcement on the sale of alcohol but has made it a trivial matter to Gamble with no enforcement or oversight, and it is now obvious they will be

promoting the sale of lottery tickets with credit cards. On 08NOV2019 a woman told Mr. Cutler that her 15 year old daughter had lost hundreds of dollars buying lottery tickets in violation of Pennsylvania law. The governor has also announced that commonwealth will terminate the use of cash on the Pennsylvania Turnpike, even though the city of Philadelphia recently passed a law requiring all stores in Philadelphia to accept cash payments. The Pennsylvania Turnpike was built with the aid of Federal funds, and cash is legal tender for all debts public and private. Mr. Cutler ran against Tom Wolf twice. A previous governor, while DA in Philadelphia was central in the murder of 5 children on 13MAY1985, as a form of eviction on Osage Avenue in Philadelphia. The courts have affirmed, it must "afford a liberal reading to a complaint filed by a pro se plaintiff," particularly when the plaintiff has no formal legal training or education. *Klayman v. Zuckerberg*, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) ("A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.") (internal quotations and citations omitted). Wikimedia Foundation and their Lawyer Mr. Heller are using public money via their status as a 501(3)(c) corporation to further religious discrimination, a use not allowed, and participation in conspiracy to commit MAIL FRAUD with Mr. Lane Schiff and judge Eduardo Robreno

violate rule 7 of the FRCP by issuing an order after only 1 day after possibly being served and withheld exculpatory pages. Based on the attached pages the state courts are declaring they can have DEFAULT JUDGEMENT and it is established law that federal court supercedes State Courts. (See evidence attached). Haverford police may have aided the theft of Mr. Cutler's wallet on Oct 22, 2019 from the Staples store at 1395 West Chester Pike, and their lack of diligence in identifying the individual that left the wallet minus about \$ 320 at the Falcon Center 525 West Chester Pike approximately 2 blocks away. The evidence shows a conspiracy to issue orders with everyone else on Yom Kippur, a significant Jewish Holiday. The evidence attached shows that the Commonwealth of Pennsylvania used information supplied by Google to track and possibly plan the MURDER of Mr. Cutler by legal means, or Police to help conceal the Klu Klux Klan and a corrupt organization. Recently The Australian Competition and Consumer Commission began proceedings against Google in the federal court in New South Wales on Tuesday, alleging it breached the law through a series of on-screen representations made as users set up Google accounts on their

Android mobile phones and tablets <ref> <https://www.reuters.com/article/us-australia-google-regulator/australian-regulator-files-privacy-suit-against-google-alleging-location-data-misuse-idUSKBN1X804X> </ref> The Pennsylvania's Whistleblower Law, 43 P.S. § 1421

et seq., provides for penalties and this case meets all those requirements, since three different police departments (Haverford, Springettsbury

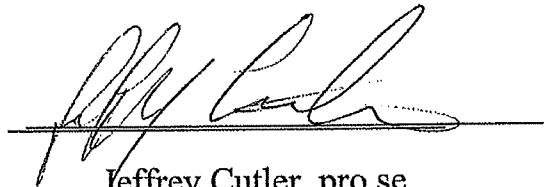
Township, and East Lampeter Township used this information to hide the Klu Klux Klan membership) in Pennsylvania just to ignore supremacy of FEDERAL law and target Mr. Cutler. Tami Levin and other Jewish Individuals. The current Governor and Mayor of Philadelphia meet these requirements as well. The Mayor's sugary beverage tax, is actually a "BLACK PERSON TAX" which gives the Mayor standing with the KKK as a superstar. In OBAMACARE the tax on Tanning was a "WHITE PERSON TAX". Brian Sims, High Inc., and East Lampeter Township have all DEFAULTED on this case, and to conceal the multiple murders in Pennsylvania the Commonwealth is using an unconstitutional law, mail fraud and conspiracy from Deep State Actors to try and cover-up these events and false incarceration of Lisa Michelle Lambert and violations of the patriot act by East Lampeter Township and Lancaster county. Although in PA most positions are won by vote, but Township Managers are essentially appointed by life, like a king. This case was filed two years from the when East Lampeter Township appointed the treasurer to collect taxes, who was never allowed to collect taxes legally and has never accounted for the bank robbery conspiracy (18 U.S.C. § 2113), which makes Google a party to these activities, and 100% of their assets subject to forfeiture <ref> [https://lanasteronline.com/news/local/lanaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article\\_ef5b90bc-89d5-11e8-8ace-77712e721cba.html](https://lanasteronline.com/news/local/lanaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article_ef5b90bc-89d5-11e8-8ace-77712e721cba.html) </ref> Since this case is also about the MURDER of FEDERAL Employees there is no statue

of limitation. As an Official Whistle Blower in the Commonwealth of Pennsylvania, Jeffrey Cutler declares the actions Mr. Krasner, the Mayor of Philadelphia, and the Governor were a concerted effort to legally Murder Jews like Albert Chernoff, the woman found in her home in the 800 block of Bergen Street, Jill Millman (page B3 Inquirer Thursday November 7, 2019) by persons like Fred Arena (page B1 Inquirer Thursday November 7, 2019), or Michael White or persons simimilarly situated. Mr. Cutler delares as part of this document that he is WHISTLEBLOWER exposing the Governor and Mayor as members of this organization in a public matter. Unlike the alleged WHISTLEBLOWER impeachment orchestrated by Eric Ciaramella with others Mr. Cutler has signed and dated this WHISTLEBLOWER document that, unlike the cladestine misuse of the legal system by the house <ref> <https://www.washingtonexaminer.com/news/alleged-whistleblower-eric-ciaramella-was-biden-guest-at-state-department-banquet> </ref> The hatred of coal may be related to the fact that bad people get a lump of coal in their stocking by St. Nick at Christmas, so if there is no coal, what they are doing cannot be considered evil. Both Seth Rich and Edward Snowden were WHISTLEBLOWERS, Seth is dead and Edward Snowden is in exiled to Russia. All documents in Cases 18-3693, 17-2709, 14-5183 should be included by reference. Based on the OIG report page 256, a lawyer for the DOJ altered an email and then used the altered email for basis of the FISA

court warrant to **SPY ON THE PRESIDENT**. This is based on questions posed by Senator Cruz on 11DEC2019. For the reasons stated above ECF 103, 104, 105 & 106 should be denied. At minimum a subpoena should be issued for Nancy Pelosi, Lisa Michelle Lambert, Tabatha Buck, John Brennan, James Clapper, James Comey, Andrew McCabe all parties served and named as part of this legal action suit and their lawyers, state judges named, April Brooks, Springettsbury Police Department, Haverford Police Department, all lawyers that are listed in all the various Cases, reporters for the newspapers and served by federal MARSHALLS. It is curious that all defendents in this case have decided to share equally all of the penalties and blame. Rabbi Feldman of **PRINCETON** died **Unexpectedly** and the previous Rabbi died in a car crash. <https://patch.com/new-jersey/princeton/princeton-rabbi-dies-hawaii-christmas-eve> </ref> <ref>  
[https://www.nj.com/mercer/2013/03/retired\\_princeton\\_university\\_r.html](https://www.nj.com/mercer/2013/03/retired_princeton_university_r.html) </ref> <ref>  
<http://www.towntopics.com/wordpress/2015/01/07/princeton-man-acquitted-in-crash-that-killed-rabbi/>  
 </ref>

Respectfully submitted,

DATE: 13 JAN 2020

A handwritten signature in black ink, appearing to read 'Jeffrey Cutler', is written over a horizontal line.

Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405



**PLAINTIF'S PROPOSED ORDER FOR SUMMARY JUDGMENT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2019 upon consideration Plaintiff's Motion for Default Judgment and for good cause shown, it is hereby ORDERED the Motion is GRANTED. SO ORDERED.

- [1] Order case 4:18-cv-00167-0 from the Northern District of Texas be Transferred to the Eastern District of Pennsylvania and combined with case 5:19-cv-00834.
- [2] Order the order of Judge Margret Miller made March 17, 2017 against Jeffrey Cutler vacated, the order by Judge Margaret Miller against Jammal Harris vacated and order by Judge Lawrence Stengel against Lisa Michelle Lambert vacated and all persons similarly situated (William Henry Cosby, Jeffrey Smiles, Emily Weinman, David Sommers, Mr. William H. McMichael, Stan Caterbone, Claire Risoldi, Rufus Seth Williams, Stephen T. Kirchner (1873 MDA 2018), Scott Capps, General Flynn, Mr. Popodopolis, charges against Roger Stone and Eric Snowden, etc.), for violations of equal protection. All prosecutions of Robert Mueller as special prosecutor vacated because his appointment was based on perjured testimony, which is verified by Mr. Steele in a foreign court.
- [3] Order the summary and default judgment of all other cases filed by Mr. Cutler in every court also be granted, and all judgements against Mr. Cutler by every Judge vacated including traffic violations for expired inspection in York, PA East Lampeter Township and Haverford, PA.
- [4] Order Nancy Pelosi and Adam Schiff to resign from their elected positions based on crimes identified in this document, or from their leadership positions.
- [5] Order Judge Barry Bloss, Judge Cynthia Rufe, and Judge Eduardo Robreno pay twice their daily salary each day to the innosense project , until they resign.
- [6] Order Tom Wolf to resign for interference in interstate commerce by restricting traffic on Pennsylvania highways based on news media reports that were equally reliable on stating the Eagles Football team cannot loose against the Florida Marlins.
- [7] Order all vandalism perpetuated against Mr. Cutler and **Mr. Krieger** to be compensated, and listed.
- [8] Provide documentation to the court of how much all court costs and legal fees have been to date, and list cost or legal hours and **ALL LEGAL FIRMS** used to try to change the outcome of a certified election, of Jeffrey Cutler and Donald Trump in all future actions with the court by East Lampeter Township Lancaster County. Legal fee documentation should start with the actions of the solicitor on and East Lampeter Township starting in 05NOV2013.
- [9] Order East Lampeter Township to reveal all persons or individuals that have expressed interest in this case, especially any officials of the United States Government, and all payments by any George Soros organization.



- [10] Order a one million dollar a day penalty per named defendant, until Mr. Cutler's reputation and credit are restored or individual agreements are reached with each party.
- [11] Order Susan Peipher Esquire, East Lampeter Township, Lancaster County Courts and unnamed others show cause why they should not be charged with violations of the RICCO ACT, both 18 U.S.C. §§ 1961–1968. RICO violations, and 18 U.S.C. § 1964, Civil RICCO Act.
- [12] Order Susan Peipher Esquire, Christina Hausner, East Lampeter Township, East Lampeter Township Police, Lancaster County Courts, Ralph Hutchinson, Judge Margaret Miller, Scott Martin, Elam Herr, all named defendants in this case and unnamed others show cause why they should not be charged with violations of 18 U.S.C. § 2113 (bank robbery).
- [13] Order Fulton Financial to return all money for accounts ending with 8603 and 8612 with penalties.
- [14] Order Fulton Financial to compensate the plaintiffs for cases 5:18-cv-00987 and case 2:17-cv-02763 as demanded in their respective lawsuits.
- [15] Order Wikimedia foundation and all media outlets specified to provide space and corrections as provided by the plaintiff and his designated representative for fake news.
- [16] Order Summary Judgement be awarded for all other cases Mr. Cutler has been denied due process be awarded.
- [17] Other remedies the court deems appropriate.
- [18] Order the Democratic National Committee to also show why they are not a party to Religious discrimination.
- [19] Order Nancy Pelosi to resign from her position for the false statement (18 USC § 1001) made through her lawyer.
- [20] Order Susan Peipher Esquire and other lawyers guilty of similar activities, to be barred from participation in the Federal Court CM/ECF system.
- [21] Order the United States Government to stop collecting or accessing penalties **FOR FAILURE to comply with established tenets or teachings of such sect or division of ANY religion in violation of the U.S. Constitution amendment 1 and declare the ACA unconstitutional**, based on the 89 page writ of USCA case 17-2709 on page 314A, and Supreme court case # 15-632.

Dated: \_\_\_\_, 20<sup>20</sup>~~19~~\_\_

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BY THE COURT

## ADDENDUM

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

TEXAS et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA et al.,

Defendants.

Civil Action No. 4:18-cv-00167-O

ORDER

Before the Court is Movant Jeffrey Cutler's Motion to Change Venue ("Motion") (ECF No. 269), filed December 30, 2019. "The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back: 'The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.'" *United States v. Lucero*, 755 F. App'x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58, (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit's jurisdiction and eliminated this Court's jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant's Motion is **DENIED**.

SO ORDERED on this 2nd day of January, 2019.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

Case 4:19-cv-00167 Document 1-1 Filed 12/18/19 Page 26 of 26

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 18, 2019

No. 19-10011

Lyle W. Cayce  
Clerk

D.C. Docket No. 4:18-CV-167

STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA; STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MISSISSIPPI, by and through Governor Phil Bryant; STATE OF MISSOURI; STATE OF NEBRASKA; STATE OF NORTH DAKOTA; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF TENNESSEE; STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF ARKANSAS; NEILL HURLEY; JOHN NANTZ,

Plaintiffs - Appellees

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; ALEX AZAR, II, SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, in his Official Capacity as Commissioner of Internal Revenue,

Defendants - Appellants

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF KENTUCKY; STATE OF MASSACHUSETTS; STATE OF NEW JERSEY; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF VIRGINIA; STATE OF WASHINGTON; STATE OF MINNESOTA,

Intervenor Defendants - Appellants

Appeals from the United States District Court for the  
Northern District of Texas

Before KING, ELROD, and ENGELHARDT, Circuit Judges.

### J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part, vacated in part, and remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

KING, Circuit Judge, dissenting.

Case 5:19-cv-00834-JLS Document 80 Filed 08/14/19 Page 10 of 49  
Case 4:18-cr-00137-DC Document 274 Filed 09/16/20 Page 30 of 49 ID 3722  
Case 5:19-cv-00834-JLS Document 80 Filed 08/14/19 Page 10 of 49  
Case 5:19-cv-00834-JLS Doc 104-1 Filed 07/05/19 Page 10 of 49  
Case 5:19-cv-00834-JLS Document 64 Filed 06/18/19 Page 9 of 25  
USCA Case #14-5183 Document #1567864 Filed: 08/14/2015 Page 1 of 1

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 14-5183**

**September Term, 2014**  
FILED ON: AUGUST 14, 2015

**JEFFREY CUTLER,**

**APPELLANT**

**v.**

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,**  
**APPELLEES**

**Appeal from the United States District Court**  
**for the District of Columbia**  
**(No. 1:13-cv-02066)**

**Before: HENDERSON, ROGERS and MILLETT, Circuit Judges**

**JUDGMENT**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED and ADJUDGED** that the judgment of the District Court appealed from in this cause be reversed as to Cutler's standing to press his Establishment Clause challenge, and be affirmed both as to the merits of his Establishment Clause claim and his lack of standing to press his equal protection challenge, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
**Mark J. Langer, Clerk**

**BY: /s/**  
**Ken Meadows**  
**Deputy Clerk**

**Date: August 14, 2015**

**Opinion for the court filed by Circuit Judge Millett.**

**In The  
United States Court of Appeals  
for the Fifth Circuit**

**19-10011**

**JEFFREY CUTLER  
Intervenor Paintiff-Appellee**

**STATE OF TEXAS, et al.  
Paintiff-Appellees**

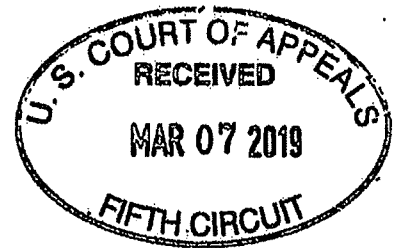
**v.**

**UNITED STATES OF AMERICA, et al.  
Defendants-Appellants**

**STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants**

**NANCY PELOSI  
Intervenor Defendants-Appellant**

*Appeal from the Order/Judgment entered Dec 14, 2018 in the United States District  
Court for the Northern District of Texas at No. 4:18--cv-00167-0*



**RESPONSE TO NANCY PELOSI'S PETITION OF 03JAN2019**

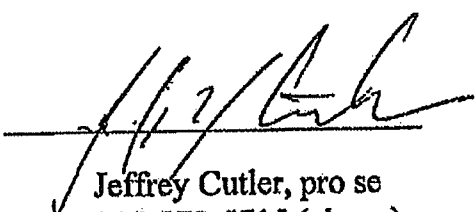
**ORAL ARGUMENTS REQUESTED**

The petitioner, Jeffrey Cutler, acting pro se, respectfully identifies that Nancy Pelosi made a false statement in court via her lawyer (Mr Donald B. Verilli Jr.) stated "[N]o one would be hurt and the greater justice would be attained" and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime. During a speech at the National Association of Counties' annual Legislative Conference on 9 March 2010, in Washington D.C. <ref><https://www.youtube.com/watch?v=QV7dDSgbaQ0> </ref> she stated "We have to pass the bill to find out what is in it". The petitioner "found out what was in it" and filed a Pro se lawsuit 31DEC2013 in Wasington, DC case 1:13-cv-2066. He also via lawyers hired had previously filed a Writ of Certiorari for the Supreme Court of the United States (15-632) and inserted that same writ in United States Court of Appeals case 17-2709, page 314A. The individual mandate of Obamacare violates the United States Constitution Ammend 1.

**WHEREFORE**, for all the foregoing reasons, petitioner respectfully requests that this Court Declare Obamacare UNCONSTITUTIONAL, during an immediate ENBANC review of this case.

Respectfully submitted,

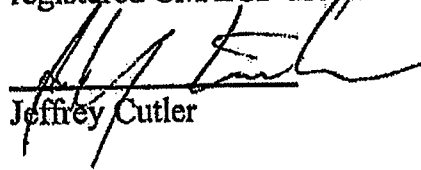
DATE: 28 FEB 2019

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405



### **CERTIFICATE OF SERVICE**

I hereby certify that on March 01, 2019, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit via next day United States Mail. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that all of the other participants or their lawyers in this case are registered CM/ECF users.

  
Jeffrey Cutler

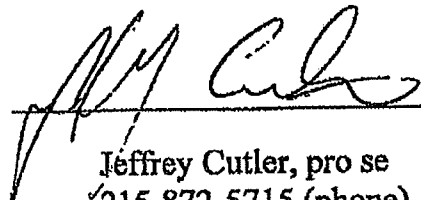
28 FEB 2019

### **CERTIFICATION OF COMPLIANCE**

This brief complies with the type-volume limitations of Fed. R. AP. P. 35(b)(2) and Circuit Rule 40-1 because this brief contains no more than 15 pages, excluding the parts of the brief exempted by Fed. R. AP. P. 32.

Respectfully submitted,

DATE: 28 FEB 2019



Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

March 07, 2019

No. 19-10011 State of Texas, et al v. USA, et al  
USDC No. 4:18-CV-167

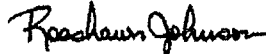
Jeffrey Cutler  
P.O. Box 2806  
York, PA 17405

Dear Mr. Cutler,

We received your response. In light of you not being a party to this appeal, we are taking no action on this response.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Roeshawn A. Johnson, Deputy Clerk  
504-310-7998

cc: Mr. Benjamin Battles  
Mr. Matthew Joseph Berns  
Mr. Nathanael Blake  
Ms. Kathleen Boergers  
Ms. Kimberly Cahall  
Mr. Andrew Bray Davis  
Ms. Bridget DiBattista  
Mr. Nimrod Elias  
Mr. Brian Rene Frazelle  
Mr. Matthew Hamilton Frederick  
Ms. Elaine Goldenberg  
Ms. Brianne Gorod  
Mr. David J. Hacker  
Mrs. Fadwa A. Hammoud  
Mr. Brooks M. Hanner  
Mr. Kyle Douglas Hawkins  
Scott H. Ikeda  
Ms. Maria Rose Lenz  
Mr. Douglas Neal Letter  
Mr. Darren Lee McCarty

Mr. Matthew Robert McGuire  
Ms. Rachel Miller-Ziegler  
Mr. Robert Tadao Nakatsuji  
Mr. Eric Olson  
Ms. Neli N. Palma  
Mr. Ashwin Pradyumna Phatak  
Ms. Kristin Ann Shapiro  
Mr. Brett Shumate  
Mr. Samuel Siegel  
Mr. Jeffrey T. Sprung  
Mrs. Heidi Parry Stern  
Mr. Todd Barry Tatelman  
Mr. Martin Vincent Totaro  
Ms. Caroline Van Zile  
Mr. Donald B. Verrilli Jr.  
Mr. Stephen B. Vogel  
Mr. Eric A. White  
Ms. Jessica Willey  
Ms. Elizabeth Bonnie Wydra



interboarding, a pastime they use to escape the errors of their family tree.

According to the cast of elative newcomers, Sulpe and the other young actors featured in "Mid90s" are extremely comfortable working under Hill, who did everything in his power to make them feel home. Ryder McLaughlin, who plays the quiet deographer of the soap nicknamed Fourth grade, compared their relationship with Hill to that of "good friends," as he would often offer them

advice on everything from navigating publicity to "girl problems."

"It felt like he's always been a director," says McLaughlin. "It didn't feel like a new thing for him."

"The times I've given my best performances is when I trusted the filmmaker the most," says Hill. "All I knew was I had to spend as much time as I could before we started shooting understanding that I need to let these people know that I have their back. I would rather be the than embarrass them."

While "Mid90s" marks Hill's first turn in the director's chair for a feature film, he's effectively been in film school under the tutelage of Hollywood's best filmmakers throughout his career as an actor, working with the likes of Martin Scorsese, Quentin Tarantino, Judd Apatow and the Coen brothers, just to name a few. So it's no surprise that Hill was excited and filled with "bliss," rather than nervous or surprised, when he finally got to the set on the first day of filming.

"I've been in so many

scenes in so many movies over the years, that to me, it was just pure excitement," Hill says. "I always say to anyone in the film business or anyone starting out in the film business, it's not real until you pull up and the trucks are there."

"Because everything before that, they didn't pour a bunch of money into, so once the trucks are there, you at least get one day to shoot," he adds. "When I pulled up and I saw the trucks, that was probably the best moment of my life."

## SAVE BILL COSBY



On May 13, 1985, 5 black children were **MURDERED** with 2 bombs furnished by the FBI to members of the **DEMOCRATIC PARTY** and no one was even fired from their job. **Bill Cosby** was prosecuted for a 12 year old alleged sexual interlude, **Equal Protection Under The Law**. **Jeffrey Cutler** is running as a Pro Se candidate for Governor of PENNSYLVANIA!

### WRITE-IN JEFFREY CUTLER

If elected Jeffrey Cutler would at MINIMUM commute the sentence of William Henry Cosby to time SERVED implement Jeff Bonds to help taxpayers and schools. (Copyright Dec 7, 2015 see page 18 document 37 case 2:17-cv-00984) PAS for school safety, Obamacare Replacement (see page 24 document 42 case 2:17-cv-00984) Irving Cutler died July 13, 1942 defending the Constitution of the United States. Sergeant Irving Cutler died when his B-24 was shot down after leaving Benghazi, Libya. He was awarded the Silver Star and Purple Heart. His nephew Jeffrey Cutler the former Tax Collector of East Lampeter Township memorialized the 75th anniversary of his uncle's sacrifice in case # 2:17-cv-00984 which became USCA case # 17-2709. Mr. Cutler was trying to protect the public from 190,000 counts of Mail Fraud, by Brian Hunter and Amber Green Martin for sending out fraudulent tax assessments.

**Write In Jeffrey Cutler for Governor and Every Democratic Congressman in PA.**

More information can be found at [https://www.youtube.com/watch?v=mgCie8F\\_zUk](https://www.youtube.com/watch?v=mgCie8F_zUk). Send Donations to JEFFREY CUTLER, P.O. BOX 2806, YORK, PA 17405. The FIRST DINO. Msg For Bill: "RIGHT"!!

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<http://www.americanfreedomlawcenter.org/case/jeffrey-cutler-v-u-s-dept-of-health-human-services/>

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY CUTLER

Plaintiff

v.

NANCY PELOSI IN HER OFFICIAL  
CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES

CITIZENS BANK,

FULTON BANK,

WIKIPEDIA FOUNDATION,

VERIZON CORPORATION,

GOOGLE CORPORATION,

ERIE INSURANCE,

STATE FARM INSURANCE,

LEMBERG LAW LLC,

FORD MOTOR COMPANY,

MANHEIM SCHOOL DISTRICT,

HAVERFORD POLICE

DEPARTMENT,

PHILADELPHIA NEWSPAPERS INC,

ASSOCIATED PRESS,

U.S. NEWS AND WORLD REPORTS,

BEND BULLETIN NEWSPAPER,

And

JOHN DOES and JANE DOES,

Defendants

CASE NO. 5:19-cv-00834

JURY TRIAL DEMANDED

**FILED**

MAR 11 2019

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**MOTION TO CONSOLIDATE CASES**

**WITH CASE # 1:19-cv-00189 & 2:19-cv-00852**

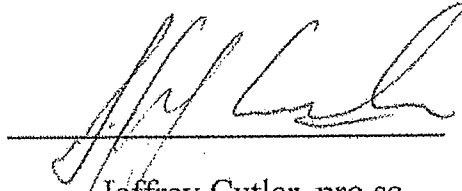
Here comes Jeffrey Cutler, acting pro se, respectfully makes a motion to Consolidate cases numbers 1:19-cv-00189 (filed 04FEB2019 titled VICTOR UKADIKE EZEIBE v. CITY OF YORK, et al.) from the Middle District of Pennsylvania and case 2:19-cv-00852 (filed 27FEB2019 titled GERALD CAMP v. CITY OF PHILADELPHIA, et al.) from the Eastern District of Pennsylvania. Since case #1:19-cv-00189 is from the Middle District of Pennsylvania and was filed first, it should be the lead case, and actually would be a change in venue. This motion should be granted to promote judicial efficiency and they all contain similar civil rights violations by government entities, violations of EQUAL PROTECTION under the United States Constitution Amendment 14 and Amendment 5. Documents filed from this case were discarded on 01MAR2019, in federal court, but only available on Pacer after they were filed in person on 07MAR2019. Documents from lawyers are treated differently than Pro se filers. On March 1, 2019 it was also discovered that East Lampeter Township, in Conjunction with High Inc. conspired together to destroy additional evidence of a Hate Crime that was identified by mail as possibly being related to crimes committed by Mr. Bowers in case 2:18-cr-00292 (Western District of Pennsylvania).

**WHEREFORE**, for all the foregoing reasons, Jeffrey Cutler respectfully requests that this Court grant the consolidation of cases and change of venue.



Respectfully submitted,

DATE: 11/MAR/2019

A handwritten signature in blue ink, appearing to read 'Jeffrey Cutler', is written over a horizontal line.

Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[elfaxcollector@gmail.com](mailto:elfaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405



In The  
**United States Court of Appeals**  
**for the Fifth Circuit**

**19-10011**

**JEFFREY CUTLER**  
Intervenor Plaintiff-Appellee

**STATE OF TEXAS, et al.**  
Plaintiff-Appellees

v.

**UNITED STATES OF AMERICA, et al.**  
Defendants-Appellants

**STATE OF CALIFORNIA, et al.**  
Intervenor Defendants-Appellants

**NANCY PELOSI**  
Intervenor Defendants-Appellant

*Appeal from the Order/Judgment entered Dec 14, 2018 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*



**RESPONSE TO NANCY PELOSI'S PETITION OF 03JAN2019**

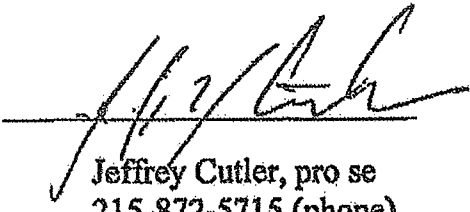
**ORAL ARGUMENTS REQUESTED**

The petitioner, Jeffrey Cutler, acting pro se, respectfully identifies that Nancy Pelosi made a false statement in court via her lawyer (Mr Donald B. Verilli Jr.) stated "[N]o one would be hurt and the greater justice would be attained" and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime. During a speech at the National Association of Counties' annual Legislative Conference on 9 March 2010, in Washington D.C. <ref><https://www.youtube.com/watch?v=OV7dDSgbaQ0> </ref> she stated "We have to pass the bill to find out what is in it". The petitioner "found out what was in it" and filed a Pro se lawsuit 31DEC2013 in Wasington, DC case 1:13-cv-2066. He also via lawyers hired had previously filed a Writ of Certiorari for the Supreme Court of the United States (15-632) and inserted that same writ in United States Court of Appeals case 17-2709, page 314A. The individual mandate of Obamacare violates the United States Constitution Ammend 1.

WHEREFORE, for all the foregoing reasons, petitioner respectfully requests that this Court Declare Obamacare UNCONSTITUTIONAL, during an immediate ENBANC review of this case.

Respectfully submitted,

DATE: 28 FEB 2019

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

2. The Pooled Fund was financed by the contributions of PAVCO, which received the same type of "interchangeable" tickets for pooled negotiating rights, claims, or missing currency. This interchangeability was maintained by the Pooled Fund's agreement to accept the same type of tickets for the same amount of currency. The Pooled Service had to accept up to \$5,000 per negotiable note for the same type of purchase, and the Pooled Service had to accept up to \$5,000 per negotiable note for the same type of purchase, and the Pooled Service had to accept up to \$5,000 per negotiable note for the same type of purchase.
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NEW ORLEANS, LA 70130

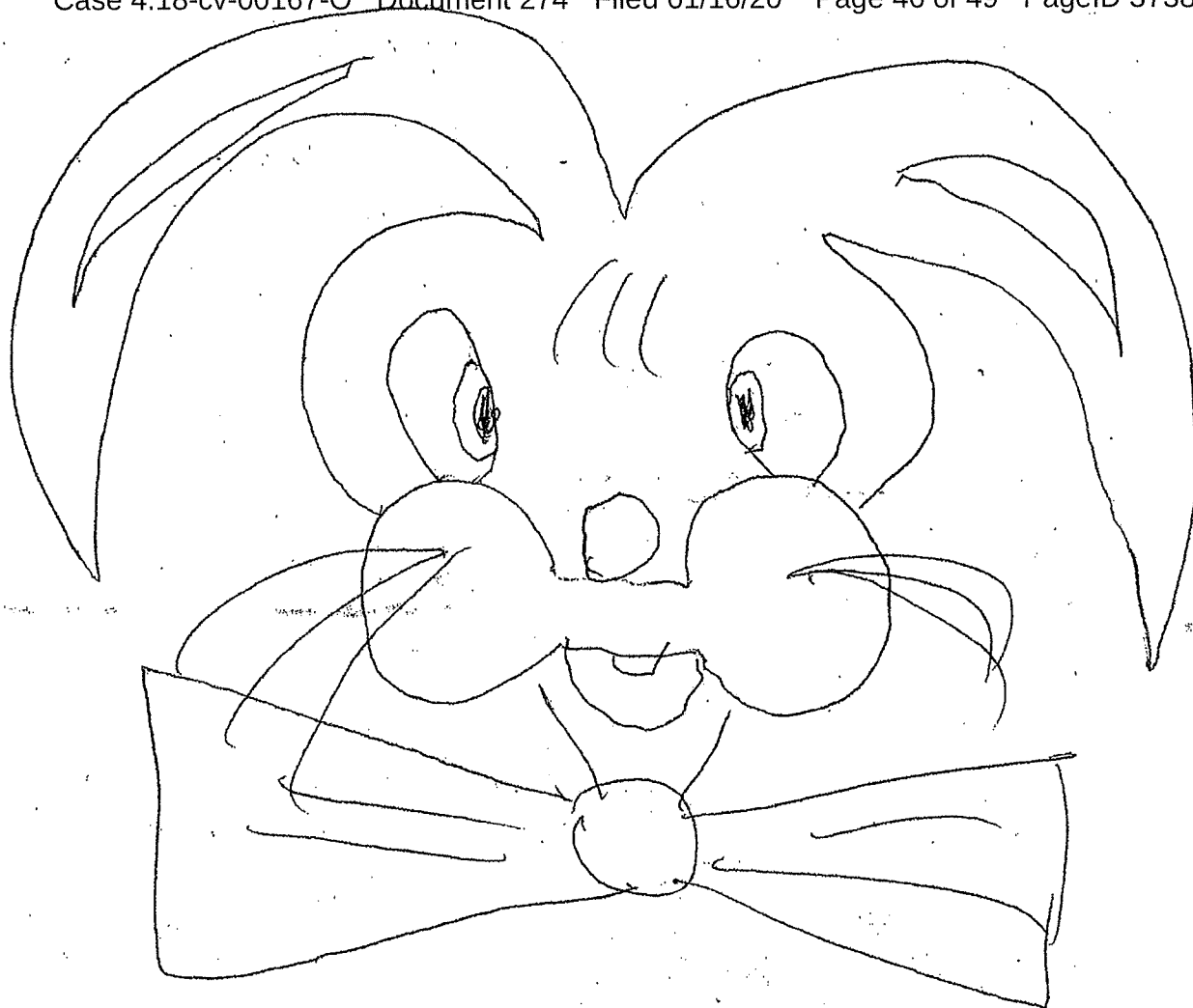
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Case 3:19-cv-00834-JLS Document 4 Filed 03/11/19 Page 18 of 110  
Case 4:18-cv-00167-O Document 274 Filed 01/16/20 Page 45 of 49 PageID 3737







THINK

HARVEY

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS,

TEXAS, et al.

Plaintiffs

JEFFREY CUTLER

Intervenor-Plaintiff

---

v.

UNITED STATES OF AMERICA, et al.

Defendants

CALIFORNIA, et al.

Intervenor-Defendants

---

CASE NO. 4:18-cv-00167-0

JURY TRIAL DEMANDED

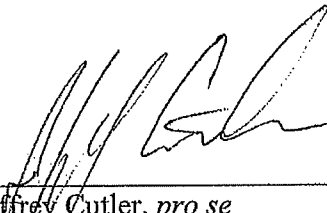
CERTIFICATE OF SERVICE

Case 4:18-cv-00167-O Doc 1-1 Filed 03/04/20 Page 48 of 49 PageID 3740

**CERTIFICATE OF SERVICE**

I Jeffrey Cutler, do hereby certify that I as of this day I have caused and correctly served a copy of MOTION FOR RECONSIDERATION OF MOTION TO CHANGE VENUE FOR CASE 4:18-cv-00167-0 FROM STATE OF TEXAS TO PENNSYLVANIA AND COMBINE CASE WITH 5:19-cv-00834 dated 01/13/2019, to Defendants that are part of the cm/ecf system and based on the docket all other parties are part of the cm/ecf system.

Date: 13 AUG 2020

  
\_\_\_\_\_  
Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
eltaxcollector@gmail.com  
P.O. Box 2806  
York, PA 17405



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ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS,  
FORT WORTH DIVISION

TEXAS, et al.

Plaintiffs

JEFFREY CUTLER

Intervenor-Plaintiff

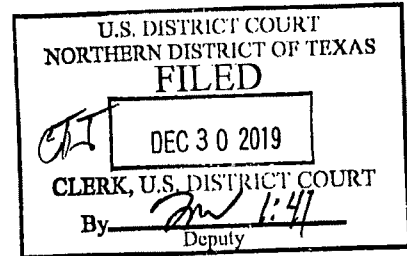
v.

UNITED STATES OF AMERICA, et al.

Defendants

CALIFORNIA, et al.

Intervenor-Defendants



CASE NO. 4:18-cv-00167-0

JURY TRIAL DEMANDED

**MOTION TO CHANGE VENUE FOR CASE 4:18-cv-00167-0 FROM  
STATE OF TEXAS TO PENNSYLVANIA  
AND COMBINE CASE WITH 5:19-cv-00834**

Here comes Jeffrey Cutler, acting Pro se, previously in case in the Eastern District of Pennsylvania case 5:19-cv-00834 filed a RESPONSE TO GOOGLE, LLC (ECF 99) FOR WRIT OF EXECUTION AND WHISTLEBLOWER on 08NOV2019 had respectfully requested the court per rule 6 direct the clerk of court declare all parties in DEFAULT for failing to respond to the document filed 08NOV2019 (ECF 101), and pursuant to Rule 55(b)(1) of the Federal Rules of Civil procedure, for entry of default against all defendants in support of this request Jeffrey Cutler relied on the record in the case and the affidavit submitted. Mr. Cutler also requested the court schedule a jury trial to determine the shared liability of all defendants in this case and provide an impartial judge with no history to any defendant in this case such as Juan Ramon Sanchez.. Mr. Cutler NOW **REQUESTS ON AN EMERGENCY BASIS SCHEDULE A START DATE FOR** A jury trial to determine the shared liability of all defendants in this case , provide an impartial judge with no history to any defendant in the cases and provide the test of the constitutionality of the Pennsylvania INPECTION LAW OF VEHICLES and total constitutionality of the **ACA** (OBAMACARE), which was declared **UNCONSTITUTIONAL** BY AN APPEALS COURT ON 18DEC2019. Mr. Cutler filed an original case in Washington (**1-13-cv-2066 31DEC2013**), which was granted the right to defend the establishment clause on 14AUG2015. The case went to

the Supreme Court of the United States as case 15-632 and was denied on or about 10JAN2916. Based on this history, and since all the defendants in case 5:19-cv-00834 have DEFAULTED in an equal distribution of the 6.5 Billion dollar requested compensation may not be the best solution. Per ECF 115 all defendants should testify under oath, and show why they failed to show GOOD CAUSE why BEING OUT OF TIME, they should be excused. Mr. Cutler per the order in United States Court of Appeals case 19-10011 states they should be DENIED. Mr. Ricahard Coe should also show cause why he USED MAIL FRAUD TO TRY AND JUSTIFY HIS CASE to defend his client and alter the results of the court. NANCY PELOSI (SPEAKER OF THE HOUSE) should show why she has not also VIOLATED THE UNITED STATES CONSTITUTION AMMEND 6 (AGAINST THE PRESIDENT..RIGHT TO SPEEDY TRIAL) and RIGHT TO HAVE A LAWYER PRESENT. The President was denied these rights by the actions of Adam Shiff, just like Mr. Jammal Harris was denied these rights in the federal court Habeus Court hearing by Craig Stedman in the Lancaster County District Attorney Mr. Cutler also notifies the court that tweets by Mark Zaid (about the "COUP HAS BEGUN" and alteration of documents by KEVIN CLINESKITH, and SALLY MOYER should be forced to testify under oath. Since the order of the of the Fifth Circuit did not specifically identify the district court that should continue

establishing the other parts of the CONSTITUTIONALITY of THE ACA.

In the name of JUDICIAL EFFICIENCY and preservation of the United States Constitution Ammend 1, the combination of the cases should be Granted and the apparent MURDERS of FEDERAL EMPLOYEES. As a **DECLARED WHISTLE BLOWER HE SHOULD BE PROTECTED WITH A CEASE AND DESIST** AGAINST THE PARTIES, THAT ARE **SOME OF THE SAME INDIVIDUALS** THAT HAVE CONSPIRED TO TRY AN FALSEY IMPEACHMENT AGAINST THE PRESIDENT USING PERJURED TESTIMONY. All persons mentioned by Mr. Cutler in EVERY lawsuit and their lawyers should be allowed to testify under oath to explain why on or about march 17, 2017 Amber Geen, Bian Hurter, Dennis Stuckey, Mr. Buckwalter, Ralph Hutchinson, and judge Margaret Miller along with the lawyers (Susan Peipher, Christina Hausner) all conspired to commit a bank robbery of Fulton Bank. Susan Peipher and Christina Hausner wrote a note which judge Margaret Miller signed. It was then executed by Mark Katkovcin at Fulton Bank on or about April 3, 2017 (18 U.S.C. § 2113). The total amount of the robbery exceeded \$ 900,000.00. Mr. Cutler had arranged for his mother to mail him a birthday card and birthday check from CITIZEN's bank to the lock box he opened on or about January 07, 2014 with a \$ 4,000 deposit to Fulton Bank. Susan Peipher knew or should have known that Amber Green failed to have a surety bond

when she created a resolution to assign her the Tax Collection duties on Feb 23, 2017, and did not have one until on or about July 18, 2018, and thus was NEVER ALLOWED TO COLLECT THE TAXES LEGALLY. Also Lawyer Richard Mills conspired to defraud Travelers Insurance and file a false lawsuit which violated 18 U.S.C. 242 (deprivation of rights under color of law) and also conceal 190,000 counts of Mail Fraud and at least 2 counts of insurance fraud with LNP newspaper and NBC affiliate WGAL by committing perjury and making false statements under oath, just like James Comey made false statements to the FISA court on multiple occasions, for spying on the <sup>R</sup>president. Also as per as per ECF #5 in federal case number 2:17-cv-00984 by the late Thomas O'Neill, the order denies any claims for failure to notify all parties and ECF 111 and 112 fails to notify ALL parties that were served even though they are listed by Cutler. This was all done because Mr. Cutler is Jewish, just they previously set up Lisa Michelle Lambert for Murder, after raping her at gunpoint. The murder of 4 individuals in Jersey City, NJ. on 10DEC2019 was identified by the Mayor of that city as targeted event aimed at the KOSHER GROCERY STORE. Cutler also notified the court in his previous filing that the three traffic citations for failing to get a vehicle inspection and the constitutionality of law be argued in this court to provide a neutral change of venue since Judge Denise Cummins is named in a pending federal lawsuit in the United States

Court of Appeals (18-3693) with Mr. Cutler. It should also be noted that as part of ECF 109, evidence of Google sending the the cert of 25OCT2019 to the WRONG ADDRESS, Mr. Coe of DrinkerBiddle&Reath sent the cert when it was returned on 18NOV2019 by conventional mail and it was not recieved by Mr. Cutler until 06DEC2019. A callas disregard for getting the document on time to Mr. Cutler instead of priority mail, and a form of MAIL FRAUD. The three traffic citations mentioned prviously for clarity are MJ-32125-TR-0001212-219, MJ-02302-TR-003403-2019, and TR0001501-2019. All mail was diverted from Mr. Cutler so that all documents were only picked up on 06DEC2019. Conspiracy and Mail Fraud, because Mr. Cutler is Jewish, and the parties are acting as an agent of the Klu Klux Klan to conceal a federal crime of Murder of a government employee and violated 18 U.S.C. 242 (deprivation of rights under color of law). ECF 110 by Fulton Bank should be DENIED because it tries to coverrup a **FEDERAL FELONY** and also obstruct the discovery of the individuals that actually carried out the **MURDER** of a **FEDERAL EMPLOYEE**. Nancy Pelosi on 10DEC2019 stated that the president is being impeached for **ABUSE OF POWER** and **OBSTRUCTION OF CONGRESS**. Based on the logic applied by the house, any **VETO** could also be considered **OBSTRUCTION OF CONGRESS**. Mr. Cutler has also notified the court that laws recently signed by Mr. Tom Wolf, the current



elected forty-seventh Pennsylvania governor that the law started as Senate bill 473 violates the Pennsylvania constitution by violating the Uniformity clause by providing different tax rates to individuals that are in the military and not in the military. The summary offense is just a form of taxation, and cannot be applied unequally, as was the ruling for allowing of universal marriage between 2 people. He also notifies the court that Judge Barry Bloss, Cynthia Rufe, and Judge Eduardo Robreno violated 18 U.S.C. 242 (deprivation of rights under color of law). Judge Robreno issued an order on October 9, 2019 that threatened Mr. Cutler with violent consequences by MAIL, if he tried to file a motion for reconsideration, violating the United States Constitution Amendment 1 and right to defend the first Amendment granted by the United States Court of appeals on 14AUG2015.

Judge Bloss ignored the federal action, and still issued a warrant, even though he had documentation to the contrary. Brian Sims has been in default since the end of May 2019. Judge Rufe had violated Mr. Krieger's rights by not allowing discovery and due process, and violated 18 U.S.C. 242 (deprivation of rights under color of law) FOR NEW CRIMES for which he was subjected, and protected members of the Klu Klux Klan. Mr Cutler had previously requested court issue a Writ of Execution against all defendants in favor of all Plaintiffs in both cases. The final combination of case # 5:19-cv-00834 with case # 2:19-cv-03149, and find all parties



guilty of default and summary judgement. Even though the cause in case 2:19-cv-03149 was identified as employment discrimination it actually is religious and race discrimination based on Tami Levin being born Jewish and a target by members of the KLU KLUX KLAN, and ALSO that it was the target of the Philadelphia DA pursuant to furtherance of a federal crime, specifically the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). This case also involves bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor Company, ERIE Insurance Group, Verizon, and Fulton Bank have misrepresented their activities in their reports, and the other parties of this case and their lawyers have conspired to cover up these events. When six police officers from East Lampeter Township conspired with the constable to destroy all the evidence in the case by Ralph Hutchinson, Amber Green Martin, Scott Martin, Brian Hurter and others not mentioned or served to steal in excess of over \$ 900,000.00 with the aid of the Lancaster County Courts based on perjured testimony but violating the Ten Commandments by bearing FALSE WITNESS with the aid of the news media (LNP and NBC and others) did willfully conspire to hide MURDERS, by public \ officials that may be members of the KKK including possible the current

Mayor of Philadelphia and Governor of Pennsylvania. On October 7, 2019 James Clapper (the former Director of National Intelligence) admitted on CNN he was carrying out the orders of President Obama when he set-up President Trump using a manufactured document contracted by the Democratic party and to Mr. Christopher Steele. Mr. Rufus Seth Williams, the former District Attorney of the city of Philadelphia (and an African American) may have been targeted because he was either going to, or was engaged in trying to investigate the murder of Johnathan Luna, and also the 5 children on May 13, 1985. The Philadelphia District

Attorney supported by a George Soros organization <https://www.inquirer.com/philly/news/politics/Soros-145-million-investment-in-DAs-race-draws-heat-for-Krasner.html> [/ref](https://www.inquirer.com/philly/news/politics/Soros-145-million-investment-in-DAs-race-draws-heat-for-Krasner.html), is documented proof that the Mr. Krasner may have an agenda that discriminates against Jewish individuals and his support for reducing charges against Michael White for the knife murder in the back to an unarmed Sean Schellenger and subsequent throwing the case and legalizing the Murder of unarmed individual (Jewish Individual). The only thing Mr. Krasner did not do is try to get the jury to believe it was a suicide. <https://6abc.com/murder-charges-reduced-in-deadly-center-city-stabbing/3860985/> [/ref](https://6abc.com/murder-charges-reduced-in-deadly-center-city-stabbing/3860985/)

The Medical examiner of Philadelphia recently was sued by the parents of a Jewish school teacher that was found dead and previously be been declared a murder, and was changed to suicide, allegedly based on police pressure. <https://www.pennlive.com/news/2019/10/parents-sue-medical-examiner-to-change-daughters-death-ruling-from-suicide-to-homicide.html> [/ref](https://www.pennlive.com/news/2019/10/parents-sue-medical-examiner-to-change-daughters-death-ruling-from-suicide-to-homicide.html) Mr. Soros had previously done an

interview with television show 60 minutes expressing his pleasure in destroying the lives of Jewish individuals. <ref> <https://www.worldcat.org/title/60-minutes-george-soros/oclc/934520933> </ref> Mr. Krasner was backed significantly by a Soros organization in a reported amount of 1.4 million. The default judgement filed 18JUN2019 as part of case 5:19-cv-00834 the against Brian Sims in his Official Capacity as the only openly gay Representative of the Commonwealth of Pennsylvania did PROUDLY show he willfully and deliberately violated the United States Constitution, the establishment clause Ammend 1 and his Oath of Office, by actively preventing a woman from praying across the street of the Planned Parenthood office in Philadelphia. The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi in her official capacity did violate via her lawyer (Mr Donald B. Verilli Jr.) and stated “[N]o one would be hurt and the greater justice would be attained” and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime on her behalf just after she became speaker of the house. She has also has interfered with the treaty between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters with Annex, signed at Kiev on July 22, 1998, and with an Exchange of Notes signed on September 30, 1999, which

provides for its provisional application. Katie Hill (a Democrat member of the house from California) was forced to resign from office and a story in the Baltimore Sun references a picture with her or her lover and a NAZI

Iron cross tatoo. <ref> <https://www.baltimoresun.com/opinion/readers-respond/bs-ed-rr-liberal-media-katie-hill-letter-20191030-x5rieak2mff7xfcqfmdtdr7qha-story.html> </ref> Based on the Katie Hill resignation, **Nancy Pelosi must also resign her position.** In

another previous incident by a member of the house of Representatives

United States Representative <ref> <https://www.youtube.com/watch?v=m3Rut64GDqA>

</ref> Mr. Adam Schiff did willfully and with forethought did intentionally

violate the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt

Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). Also this

case also involves (18 U.S. Code § 1519 – Destruction, alteration,

or falsification of records), (18 U.S. Code § 1505 – Obstruction of

proceedings before departments). It is now repoted that a staffer of Adam

Shiff was linked to a think tank backed by Burisma, the Ukrainian energy

company involved in the Hunter Biden controversy. <ref>

<https://www.youtube.com/watch?v=9SsZVwonUHw> </ref> By requesting the case be

dismissed with prejudice and the joint filing by ASSOCIATED PRESS,

PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level

of conspiracy and also George Soros linked groups hurting people like

Taylor Swift <ref> <https://www.youtube.com/watch?v=lqiasqMJXac> </ref> and per

United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v.

Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984).

The courts have affirmed, it must “afford a liberal reading to a complaint filed by a pro se plaintiff,” particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) (“A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted).

WHEREFORE, for all the foregoing reasons, and the documented murders of 3 federal employees by Mr. Cutler (Jonnathan Luna, Beranton Whisenant, and Justin Zemser) and 5 children on May 13, 1985 and significant discrimination against other Jewish individuals (11 murdered by Robert Bowers 2:18-cr-00292), (discrimination by police in Philadelphia police department against Jewish Police officers 2:18-cv-05029), Mr Cutler’s motion in District of Columbia case #1:17-cv-01154 (ECF #79) the books “Love-Murder-Corruption-Lancaster-County“ and “BLACK KLANSMAN”. Although the may be Klu Klux Klan, which was outlawed in 1871, and has not been specifically identified, equal treatment under the law violations are apparent in this case. The mayor of Philadelphia has made several statements supporting Hahnamenn hospital but the actions of the city

fail to support that claim, which amounts to perjured testimony. The governor of Pennsylvania has made several statements supporting Hahnemann hospital but the actions of the commonwealth fail to support that claim, which amounts to perjured testimony. The bankruptcy courts have also deleted documents in support of the same. Specifically, they recently filed a notice to cancel their operating license to be a hospital. A seven year old boy that died as result of an activity is being prosecuted while those responsible for the MURDER of a seven year old boy May 13, 1985 has gone completely unpunished in any form, and concealed from normal view.

<ref> <https://www.inquirer.com/news/death-subway-charges-broad-street-line-septa-district-attorney-philadelphia-aden-devlin-20190829.html> </ref>

The recent deaths of Whitey Bolger (and Mr. Bolger's relative involved with Joe Biden's son in Ukraine gas company) and Jeffrey Epstein and multiple praise for late senator Byrd by Hillary Clinton demonstrates the level this has existed in the United States also for a long period of time including the Scottsboro Boys in 1931, the Democratic party and on August 16, 2016 Seth

Rich is mentioned in the filing in Philadelphia United States Court of Appeals for the Third Circuit case 16-3164 <ref> [https://en.wikipedia.org/wiki/Talk%3ADemocratic\\_National\\_Committee#Removed\\_sentence](https://en.wikipedia.org/wiki/Talk%3ADemocratic_National_Committee#Removed_sentence) </ref>.

In fact persons in the United States Government have obstructed justice in this case as well as case 19-11466 and may be involved in blocking another federal case 2:19-cv-03149. The rampant discrimination in Pennsylvania by

the Klu Klux Klan against Jewish, African Americans, and other (some of which Government Officials) are other minorities is a stain on the constitution. A rose by any other name would smell just as sweet, the KLU KLUX KLAN, no matter the name they PROUDLY use just smells, like a number 2. The court should also deny all parties a motion to Dismiss since they all failed to notify in all responses to all parties as and would violate equal protection as per ECF #5 case # 2:17-cv-00984 by the late Thomas O'Neill, the order denies any claims for failure to notify all parties.

Haverford Police have finally decided to notify all parties, but documented history cannot be undone, and they have presented NO argument which suggest they should be excused. ALSO that it was pursuant to furtherance of a federal crime. This is just like the activities that were charged against general Flynn by the FBI that were intentionally set-up. In this case the federal crimes are specifically mail fraud, abuse of power, abuse of process, bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor Company, and ERIE Insurance Group, have misrepresented their status in reports filed with the cars sold. Based on other information, these Air bags could be used to Murder persons on demand by members of the Deep State. <ref><https://www.consumerreports.org/car-recalls-defects/takata-airbag-recall-everything-you-need-to-know/></ref>Lemberg Law acting as an agent for Ford Motor Company did



deny they are representing Mr. Cutler after notifying him via mail they intend to represent him. Mr. Cutler has not driven his 2011 Ford Fusion since Oct 2, 2017 when six police officers from East Lampeter Township conspired with the constable to destroy all the evidence in the case by Ralph Hutchinson, Amber Green Martin, Scott Martin, Brian Hurter and others not mentioned or served to steal in excess of over \$ 900,000.00 with the aid of the Lancaster County Courts based on perjured testimony but violating the Ten Commandments by bearing FALSE WITNESS with the aid of the news media (LNP and NBC) did willfully conspire to hide MURDERS, by public officials that may be members of the KKK. Mr. Cutler owns 10 shares of Ford Motor Company Stock and also 10 shares of Fulton (stock symbol FULT) in Schwab accounts. The default judgement filed 18JUN2019 against Brian Sims in his Official Capacity as a Representative of the Commonwealth of Pennsylvania did PROUDLY show he willfully and deliberately violated the United States Constitution, the establishment clause Ammend 1 and his Oath of Office, by actively preventing a woman from praying across the street of the Planned Parenthood office in Philadelphia. The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes (18 U.S. Code § 1519 – Destruction, alteration, or falsification of records), (18 U.S. Code § 1505 – Obstruction of proceedings before departments). By requesting the case be dismissed with



prejudice and the joint filing by ASSOCIATED PRESS, PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level of conspiracy United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v. Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984). Recently law enforcement officials which may be members of the KKK using illegal tracking techniques targeted Mr. Cutler to prevent his free movement, by giving penalties for failing to have an inspection on the dodge truck vehicle, in Springettsbury Township, York PA, Haverford Township and East Lampeter Township. The law being used against Mr. Cutler is UNCONSTITUTIONAL. It is a NON-UNIFORM TAX on persons, which violates the Commonwealth of Pennsylvania UNIFORMITY CLAUSE of the Pennsylvania Constitution. The Commonwealth is aware of every vehicle that has an inspection since they actually charge an MCI fee for each car which is called in to PENDOT and does not mail fines to all subject vehicles. They also do not apply the law to any vehicles from other states which travel in Pennsylvania even though speed regulations are enforced. The Supreme Court of the United States Supreme Court cited equal protection in their approval of universal marriage despite the birth sex of the parties, June 26, 2015. The United States Supreme Court has also also cited by unanimous consent that excessive fines are unconstitutional by States in *Timbs v. Indiana*. This an attempt by the governor to use the government to

commit premeditated Murder of Mr. Cutler for exposing the KKK in Pennsylvania, and the United States to cover crimes being inflicted upon residents of the commonwealth. The Governor has all types of enforcement on the sale of alcohol but has made it a trivial matter to Gamble with no enforcement or oversight, and it is now obvious they will be promoting the sale of lottery tickets with credit cards. On 08NOV2019 a woman told Mr. Cutler that her 15 year old daughter had lost hundreds of dollars buying lottery tickets in violation of Pennsylvania law. The governor has also announced that commonwealth will terminate the use of cash on the Pennsylvaniia Turnpike, even though the city of Philadelphia recently passed a law requiring all stores in Philadelphia to accept cash payments. The Pennsylvania Turnpike was built with the aid of Federal funds, and cash is legal tender for all debts public and private. Mr. Cutler ran against Tom Wolf twice. A previous govenor, while DA in Philadelphia was central in the murder of 5 children on 13MAY1985, as a form of eviction on Osage Avenue in Philadelphia. The courts have affirmed, it must "afford a liberal reading to a complaint filed by a pro se plaintiff," particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) ("A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent

standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted). Wikimedia Foundation and their Lawyer Mr. Heller are using public money via their status as a 501(3)(c) corporation to further religious discrimination, a use not allowed, and participation in conspiracy to commit MAIL FRAUD with Mr. Lane Schiff and judge Eduardo Robreno violate rule 7 of the FRCP by issuing an order after only 1 day after possibly being served and withheld exculpatory pages. Based on the attached pages the state courts are declaring they can have DEFAULT JUDGEMENT and it is established law that federal court supercedes State Courts. (See evidence attached). Haverford police may have aided the theft of Mr. Cutler’s wallet on Oct 22, 2019 from the Staples store at 1395 West Chester Pike, and their lack of diligence in identifying the individual that left the wallet minus about \$ 320 at the Falcon Center 525 West Chester Pike approximately 2 blocks away. The evidence shows a conspiracy to issue orders with everyone else on Yom Kippur, a significant Jewish Holiday. The evidence attached shows that the Commonwealth of Pennsylvania used information supplied by Google to track and possibly plan the MURDER of Mr. Cutler by legal means, or Police to help conceal the Klu Klux Klan and a corrupt organization. Recently The Australian Competition and Consumer Commission began proceedings against Google in the federal court in New South Wales on Tuesday, alleging it breached the law through a series of on-

screen representations made as users set up Google accounts on their

Android mobile phones and tablets <ref> <https://www.reuters.com/article/us-australia-google-regulator/australian-regulator-files-privacy-suit-against-google-alleging-location-data-misuse-idUSKBN1X804X> </ref> The Pennsylvania's Whistleblower Law, 43 P.S. § 1421

et seq., provides for penalties and this case meets all those requirements, since three different police departments (Haverford, Springettsbury Township, and East Lampeter Township used this information to hide the Klu Klux Klan membership) in Pennsylvania just to ignore supremacy of FEDERAL law and target Mr. Cutler. Tami Levin and other Jewish Individuals. The current Governor and Mayor of Philadelphia meet these requirements as well. The Mayor's sugary beverage tax, is actually a "BLACK PERSON TAX" which gives the Mayor standing with the KKK as a superstar. In OBAMACARE the tax on Tanning was a "WHITE PERSON TAX". Brian Sims, High Inc., and East Lampeter Township have all DEFAULTED on this case, and to conceal the multiple murders in Pennsylvania the Commonwealth is using an unconstitutional law, mail fraud and conspiracy from Deep State Actors to try and cover-up these events and false incarceration of Lisa Michelle Lambert and violations of the patriot act by East Lampeter Township and Lancaster county. Although in PA most positions are won by vote, but Township Managers are essentially appointed by life, like a king. This case was filed two years from the when East Lampeter Township appointed the treasurer to

collect taxes, who was never allowed to collect taxes legally and has never accounted for the bank robbery conspiracy (18 U.S.C. § 2113), which makes Google a party to these activities, and 100% of their assets subject to

forfeiture <ref> [https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article\\_ef5b90bc-89d5-11e8-8ace-77712e721cba.html](https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article_ef5b90bc-89d5-11e8-8ace-77712e721cba.html) </ref> Since this

case is also about the MURDER of FEDERAL Employees there is no statute of limitation. As an Official Whistle Blower in the Commonwealth of Pennsylvania, Jeffrey Cutler declares the actions Mr. Krasner, the Mayor of Philadelphia, and the Governor were a concerted effort to legally Murder Jews like Albert Chernoff, the woman found in her home in the 800 block of Bergen Street, Jill Millman (page B3 Inquirer Thursday November 7, 2019) by persons like Fred Arena (page B1 Inquirer Thursday November 7, 2019), or Michael White or persons similarly situated. Mr. Cutler declares as part of this document that he is **WHISTLEBLOWER** exposing the Governor and Mayor as members of this organization in a public matter. Unlike the alleged **WHISTLEBLOWER** impeachment orchestrated by Eric Ciaramella with others Mr. Cutler has signed and dated this

**WHISTLEBLOWER** document that, unlike the clandestine misuse of the legal system by the house <ref> <https://www.washingtonexaminer.com/news/alleged-whistleblower-eric-ciaramella-was-biden-guest-at-state-department-banquet> </ref> The hatred

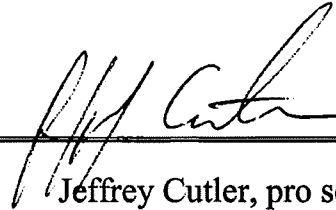
of coal may be related to the fact that bad people get a lump of coal in their stocking by St. Nick at Christmas, so if there is no coal, what they are doing

cannot be considered evil. Both Seth Rich and Edward Snowden were **WHISTLEBLOWERS**, Seth is dead and Edward Snowden is in exiled to Russia. All documents in Cases 18-3693, 17-2709, 14-5183 should be included by reference. Based on the OIG report page 256, a lawyer for the DOJ altered an email and then used the altered email for basis of the FISA court warrant to **SPY ON THE PRESIDENT**. This is based on questions posed by Senator Cruz on 11DEC2019. For the reasons stated above ECF 103, 104, 105 & 106 should be denied. At minimum a subpoena should be issued for Nancy Pelosi, Lisa Michelle Lambert, Tabatha Buck, John Brennan, James Clapper, James Comey, Andrew McCabe all parties served and named as part of this legal action suit and their lawyers, state judges named, April Brooks, Springettsbury Police Department, Haverford Police Department, all lawyers that are listed in all the various Cases, reporters for the newspapers and served by federal MARSHALLS. It is curious that all defendents in this case have decided to share equally all of the penalties and blame. Rabbi Feldman of **PRINCETON** died **Unexpectedly** and the previous Rabbi died in a car crash. <https://patch.com/new-jersey/princeton/princeton-rabbi-dies-hawaii-christmas-eve> </ref> <ref>  
[https://www.nj.com/mercer/2013/03/retired\\_princeton\\_university\\_r.html](https://www.nj.com/mercer/2013/03/retired_princeton_university_r.html) </ref> <ref>  
<http://www.towntopics.com/wordpress/2015/01/07/princeton-man-acquitted-in-crash-that-killed-rabbi/>  
 </ref>

Case 4:18-cv-00167-O Document 269 Filed 12/30/19 Page 22 of 82 PageID 3222

Respectfully submitted,

DATE: 27 Dec 2019

A handwritten signature in black ink, appearing to read "Jeff Cutler", written over a horizontal line.

Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405



**PLAINTIF'S PROPOSED ORDER FOR SUMMARY JUDGMENT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2019 upon consideration Plaintiff's Motion for Default Judgment and for good cause shown, it is hereby ORDERED the Motion is GRANTED. SO ORDERED.

- [1] Order case 4:18-cv-00167-0 from the Northern District of Texas be Transferred to the Eastern District of Pennsylvania and combined with case 5:19-cv-00834.
- [2] Order the order of Judge Margret Miller made March 17, 2017 against Jeffrey Cutler vacated, the order by Judge Margaret Miller against Jammal Harris vacated and order by Judge Lawrence Stengel against Lisa Michelle Lambert vacated and all persons similarly situated (William Henry Cosby, Jeffrey Smiles, Emily Weinman, David Sommers, Mr. William H. McMichael, Stan Caterbone, Claire Risoldi, Rufus Seth Williams, Stepen T. Kirchner (1873 MDA 2018), Scott Capps, General Flynn, Mr. Popodopolis, charges against Roger Stone and Eric Snowden, etc.), for violations of equal protection. All prosecutions of Robert Mueller as special prosecutor vacated because his appointment was based on perjured testimony, which is verified by Mr. Steele in a foreign court.
- [3] Order the summary and default judgment of all other cases filed by Mr. Cutler in every court also be granted, and all judgements against Mr. Cutler by every Judge vacated including traffic violations for expired inspection in York, PA East Lampeter Township and Haverford, PA.
- [4] Order Nancy Pelosi and Adam Schiff to resign from their elected positions based on crimes identified in this document, or from their leadership positions.
- [5] Order Judge Barry Bloss, Judge Cynthia Rufe, and Judge Eduardo Robreno pay twice their daily salary each day to the innosense project , until they resign.
- [6] Order Tom Wolf to resign for interference in interstate commerce by restricting traffic on Pennsylvania highways based on news media reports that were equally reliable on stating the Eagles Football team cannot loose against the Florda Marlins.
- [7] Order all vandalism perpetuated against Mr. Cutler and **Mr. Krieger** to be compensated, and listed.
- [8] Provide documentation to the court of how much all court costs and legal fees have been to date, and list cost or legal hours and **ALL LEGAL FIRMS** used to try to change the outcome of a certified election, of Jeffrey Cutler and Donald Trump in all future actions with the court by East Lampeter Township Lancaster County. Legal fee documentation should start with the actions of the solicitor on and East Lampeter Township starting in 05NOV2013.
- [9] Order East Lampeter Township to reveal all persons or individuals that have expressed interest in this case, especially any officials of the United States Government, and all payments by any George Soros organization.

- [10] Order a one million dollar a day penalty per named defendant, until Mr. Cutler's reputation and credit are restored or individual agreements are reached with each party.
- [11] Order Susan Peipher Esquire, East Lampeter Township, Lancaster County Courts and unnamed others show cause why they should not be charged with violations of the RICCO ACT, both 18 U.S.C. §§ 1961–1968. RICO violations, and 18 U.S.C. § 1964, Civil RICCO Act.
- [12] Order Susan Peipher Esquire, Christina Hausner, East Lampeter Township, East Lampeter Township Police, Lancaster County Courts, Ralph Hutchinson, Judge Margaret Miller, Scott Martin, Elam Herr, all named defendants in this case and unnamed others show cause why they should not be charged with violations of 18 U.S.C. § 2113 (bank robbery).
- [13] Order Fulton Financial to return all money for accounts ending with 8603 and 8612 with penalties.
- [14] Order Fulton Financial to compensate the plaintiffs for cases 5:18-cv-00987 and case 2:17-cv-02763 as demanded in their respective lawsuits.
- [15] Order Wikimedia foundation and all media outlets specified to provide space and corrections as provided by the plaintiff and his designated representative for fake news.
- [16] Order Summary Judgement be awarded for all other cases Mr. Cutler has been denied due process be awarded.
- [17] Other remedies the court deems appropriate.
- [18] Order the Democratic National Committee to also show why they are not a party to Religious discrimination.
- [19] Order Nancy Pelosi to resign from her position for the false statement (18 USC § 1001) made through her lawyer.
- [20] Order Susan Peipher Esquire and other lawyers guilty of similar activities, to be barred from participation in the Federal Court CM/ECF system.
- [21] Order the United States Government to stop collecting or accessing penalties **FOR FAILURE** to **comply with established tenets or teachings of such sect or division of ANY religion in violation of the U.S. Constitution amendment 1 and declare the ACA unconstitutional**, based on the 89 page writ of USCA case 17-2709 on page 314A, and Supreme court case # 15-632.

Dated: \_\_\_\_, 2019\_\_

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BY THE COURT

## ADDENDUM

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 18, 2019

No. 19-10011

Lyle W. Cayce  
Clerk

D.C. Docket No. 4:18-CV-167

STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA; STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MISSISSIPPI, by and through Governor Phil Bryant; STATE OF MISSOURI; STATE OF NEBRASKA; STATE OF NORTH DAKOTA; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF TENNESSEE; STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF ARKANSAS; NEILL HURLEY; JOHN NANTZ,

Plaintiffs - Appellees

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; ALEX AZAR, II, SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, in his Official Capacity as Commissioner of Internal Revenue,

Defendants - Appellants

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF KENTUCKY; STATE OF MASSACHUSETTS; STATE OF NEW JERSEY; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF VIRGINIA; STATE OF WASHINGTON; STATE OF MINNESOTA,

Intervenor Defendants - Appellants

Appeals from the United States District Court for the  
Northern District of Texas

Before KING, ELROD, and ENGELHARDT, Circuit Judges.

### J U D G M E N T

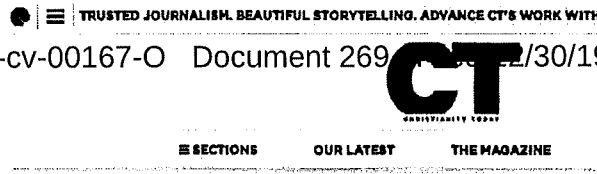
This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part, vacated in part, and remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

KING, Circuit Judge, dissenting.

**Opinion for the court filed by Circuit Judge Mallett.**



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All fields are required.

Name:

Jeffrey Cutler

Email Address:

etaxxsector@gmail.com

Subject:

Respond to a CT Article

Message

3000 character limit

THERE IS A GIANT KLU KLUX KLAN NETWORK IN PA & US PREVIOUSLY IDENTIFIED BY JEFFREY CUTLER (FORMER TAX COLLECTOR OF EAST LANCASTER TOWNSHIP). JEFFREY CUTLER IS A WHISTLE BLOWER IN PENNSYLVANIA. HE HAS IDENTIFIED TOM WOLF, THE MAYOR OF PHILADELPHIA, AND DA AS MEMBERS OF THE KKK. NANCY PELOSI (SPEAKER OF THE HOUSE) HAS VIOLATED THE UNITED STATES CONSTITUTION AMONG 6 (AGAINST THE PRESIDENT..RIGHT TO SPEEDY TRIAL). ALSO SHE (NANCY PELOSI) ON 03JAN2019 LIED UNDER OATH IN COURT!!!! From page 5 case # 3:19-cv-00634 (ORIGINAL CASE FILED 26FEB2019) ECF 102 titled [MOTION FOR DEFAULT AGAINST NANCY PELOSI IN HER OFFICIAL CAPACITY AND ALL OTHER DEFENDANTS] (ECF 102 FILED 03DEC2019..NANCY'S LAWYER READ IT 04DEC2019 AND NANCY CALLED FOR IMPEACHMENT 05DEC2019 TO SAVE HER JOB!!!!) ..The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi in her official capacity did violate via her lawyer (Mr Donald B. Ysarrilla Jr.) and stated "[N]o one would be hurt and the greater justice would be attained" and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-O, a significant federal crime on her behalf just after she became speaker of the house. She has also has interfered with the treaty between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters with Annex, signed at Kiev on July 22, 1996, and with an change of Notes signed on September 30, 1998, which provides for its provisional application. Katie Hill (a Democrat member of the house from California) was forced to resign from office ....Based on the Katie Hill resignation, Nancy Pelosi must also quit her position. .... FROM PAGE 34 FILED JULY 24, 2018 BY TIME STAMP, BUT PUT ONLINE 08/10/2018 <ref> http://redistricting.lla.edu/file /PA020ccomant2020180724620brief.pdf </ref> Robert Mueller was the director of the FBI on December 4, 2003 when Jonathan Luna, (POSSIBLY BY MEMBERS OF THE KLU KLUX KLAN) was found MURDERED in Lancaster county, Pennsylvania. Five days after the death James Cordey may have been given the number 2 position at the DOJ, to help cover-up the murder. At the time of the MURDER Andrew McCabe was in charge of the criminal division of the FBI. The FBI tried to get the coroner of Lancaster, county to call the MURDER a SUICIDE. Mr. McCabe was fired from the FBI for lies he made on March 16, 2018. April Brooks made the FALSE statement "There's no evidence to show that he met his death at the hands of any other individual," Brooks said. "Or that he had seen or been with any other individual that night. You have sayers and you have a divergence of (law enforcement) opinion," she said. "But again, we turned over every rock. We are confident that there is nothing hanging out there to find." \*\*\* THE ABOVE IS CENSORED BY EVERY NEWS OUTLET IN THE US\*\*\*

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Lancaster County man accused of vandalizing synagogue in Beverly Hills

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A Lancaster County man has been arrested in Hawaii and is charged with vandalize a Beverly Hills synagogue.

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J THIS EXPOSES A GIANT KLU KLUX KLAN NETWORK IN PENNSYLVANIA PREVIOUSLY IDENTIFIED BY JEFFREY CUTLER (FORMER TAX COLLECTOR OF EAST LANPETER TOWNSHIP). JEFFREY CUTLER IS A WHISTLE BLOWER IN PENNSYLVANIA. HE HAS IDENTIFIED TOM WOLF, THE MAYOR OF PHILADELPHIA, AND DA AS MEMBERS OF THE KKK. NANCY PELOSI (SPEAKER OF THE HOUSE) HAS VIOLATED THE UNITED STATES CONSTITUTION ANNEND 6 (AGAINST THE PRESIDENT. RIGHT TO SPEEDY TRIAL). ALSO SHE (NANCY PELOSI) ON 03JAN2019 LIED UNDER OATH IN COURT!!!! From page 5 case # 5:19-cv-00834 (ORIGINAL CASE FILED 26FEB2019) ECF 102 titled [MOTION FOR DEFAULT AGAINST NANCY PELOSI IN HER OFFICIAL CAPACITY AND ALL OTHER DEFENDANTS] (ECF 102 FILED 03DEC2019. NANCY'S LAWYER READ IT 04DEC2019 AND NANCY CALLED FOR IMPEACHMENT 05DEC2019 TO SAVE HER JOB!!!!) The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi in her official capacity did violate via her lawyer (Mr Donald B. Vacco Jr.) and stated "No one would be hurt and the greater justice would be attained" and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime on her behalf just after she became speaker of the house. She has also has interfered with the treaty between the United States of America and Ukraine on Mutual Legal Assistance In Criminal Matters with Annex, signed at Kiev on July 22, 1998, and with an change of Notes signed on September 30, 1999, which provides for its provisional application. Katie Hill (a Democrat member of the house from California) was forced to resign from office .... Based on the Katie Hill resignation, Nancy Pelosi must also quit her position. .... Based on a previous incident by United States Representative <ref>https://www.youtube.com/watch?v=m3Rut64GDg</ref> Mr. Adam Schiff did willfully and with forethought did intentionally violate the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA) codified as 15 U.S.C. § 78dd-1). Also this case ggg involves (18 U.S.Code § 1519 - Destruction, alteration, or falsification of records), (18 U.S. Code § 1505 - Obstruction of proceedings before departments).

FROM PAGE 34 FILED JULY 24, 2018 BY TIME STAMP, BUT PUT ONLINE 08/10/2018 <ref>http://redistricting.lls.edu/file/PA%20coman%2020180724%20brief.pdf</ref> Robert Mueller was the director of the FBI on December 4, 2003 when Jonathan Luna, (POSSIBLY BY MEMBERS OF THE KLU KLUX KLAN) was found MURDERED in Lancaster county, Pennsylvania. Five days after the death James Corney may have been given the number 2 position at the DOJ, to help cover-up the murder. At the time of the MURDER Andrew McCabe was in charge of the criminal division of the FBI. The FBI tried to get the coroner of Lancaster, county to call the MURDER a SUICIDE. Mr. McCabe was fired from the FBI for lies he made on March 16, 2018. April Brooks made the FALSE statement "There's no evidence to show that he met his death at the hands of any other individual," Brooks said. "Or that he had seen or been with any other individual that night. You have naysayers and you have a divergence of (law enforcement) opinion," she said. "But again, we turned over every rock. We are confident that there is nothing hanging out there to find." <ref>http://articles.chicagotribune.com/2012-08-20/news/sns-ri-us-use-security-fbi087s0u5-20120829\_1\_white-collar-crime-drug-gangs-gang-cases</ref>. Even though this contradicts the report of the Lancaster county coroner. Watch https://www.youtube.com/watch?v=mgCkBF\_zuk for more information and read comments sorted newest first. Also see <ref>https://www.americanfreedomlawcenter.org/case/jeffrey-cutler-v-u-s-dept-of-health-human-services/</ref> and <ref>https://www.brennancenter.org/legal-work/coman-v-torres</ref> <ref>https://www.pacermonitor.com/public/case/27231978/CUTLER\_v\_PELOSI\_et\_al</ref>

As an Official Whistle Blower in the Commonwealth of Pennsylvania, Jeffrey Cutler declares the actions Mr. Krassner, the Mayor of Philadelphia, and the Governor were a concerted effort to legally Murder Jews like Albert Chernoff, the woman found in her home in the 800 block of Bergen Street, Jill Millman (page B3 Inquirer Thursday November 7, 2019) by persons like Fred Arena (page B1 Inquirer Thursday November 7, 2019), or Michael White or persons similarly situated. Mr. Cutler declares as part of this document that he is WHISTLEBLOWER exposing the Governor and Mayor as members of this organization in a public matter. Unlike the alleged WHISTLEBLOWER impeachment orchestrated by Eric Claramella with others Mr. Cutler has signed and dated this WHISTLEBLOWER document that, unlike the claramella misuse of the legal system by the house <ref>https://www.washingtonexaminer.com/news/alleged-whistleblower-eric-claramella-was-biden-guest-at-state-department-banquet</ref> The hatred of coal may be related to the fact that bad people get a lump of coal in their stocking by St. Nick at Christmas, so if there is no coal, what they are doing cannot be considered evil. Both Seth Rich and Edward Snowden were WHISTLEBLOWERS, Seth is dead and Edward Snowden is in exiled to Russia.

CENSORED

Case 4:18-cv-00167-O Document 269 Filed 12/30/19 Page 31 of 82 PageID<sup>532, 128</sup> 3231**Fulton Bank**P.O. Box 4887  
Lancaster, PA 17604  
fultonbank.comDate of Notice: **07/24/2018**  
Closure Date: **08/23/2018**  
Account Number: **XXXX8603**

Temp-Return Service Requested

002993 0.4500 AB 0.408 TR00011

F2NT

JEFFREY CUTLER  
PO BOX 2806  
YORK PA 17405-2806**IMPORTANT NOTICE: YOUR ACCOUNT WILL BE CLOSING IN 30 DAYS**  
**Account #XXXX8603**

Your State and Municipal Checking account has been carrying a \$0 balance for the past two months and there has been no activity for the past 90 days. Unused accounts may become a personal information security risk and as a result, we will be closing this account effective August 23, 2018. To reactivate your account, you will need to make a deposit at a branch office or ATM prior to August 23, 2018.

Please note: you are still responsible for any overdrafts, outstanding items, fees, unpaid charges, or items to your account which are returned unpaid. If your account is closed before interest is credited, you will not receive the interest.

If you have any questions, please visit our local branch office or call us at 800-FULTON-4.

**Fulton Bank****RECEIPT**☐ Checking☐ Savings☐ Loans8/1/2018 15:17 41  
91772510 TO 7098603 TlrAppTrS20  
235/5100/0001 \$251.00

02-81-145 (02/16)

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

FULTON BANK, N.A.  
MEMBER FDIC

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Pa. House Video

Published on Jul 11, 2019

SUBSCRIBE 1.4K

Pa. state Rep. Brian Sims joined advocates in colleagues in fighting to save Hahnemann University Hospital. He explains why closure would be detrimental for families across Philadelphia. More at <http://www.pahouse.com/Sims>

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JC\_ 1 day ago

In May 2019, Sims posted an eight minute video of himself confronting a woman who was protesting outside a Planned Parenthood facility in Philadelphia by praying with a rosary. On May 15, 2019 he was served a summons for federal case 5:19-cv-00834 (Cutler v. Pelosi et al.) at his office on Chestnut Street. On July 15, 2019 at 3:00 PM the Default judgement entered against Brian Sims on June 18, 2019 was used as collateral for trying to help Hahnemann Hospital stay open case # 19-11466 Delaware Bankruptcy Court. On July 10, 2019 Jeffrey Cutler discovered the document filed in the Bankruptcy case #19-11467 is docketed as document #104 in Bankruptcy court case# 19-11466 (related case). On July 11, 2019 Jeffrey Cutler testified at the end of the hearing for case #19-11466 about his plan to save Hahnemann Hospital. Prior to his testimony the lawyer for PHILADELPHIA ACADEMIC HEALTH SYSTEM, LLC violated 18 USC § 1001 in open court and claimed he had talked to the Nurses. The lawyer representing the nurses union weighed in via phone and contradicted his statement during the hearing. THIS MEANS THAT BRIAN SIMS MAY HELP KEEP THE HOSPITAL OPEN DEFAULTING IN CASE 5:18-cv-00834!!!! Watch [https://www.youtube.com/watch?v=mgCie8F\\_zUk](https://www.youtube.com/watch?v=mgCie8F_zUk) for more information and read comments sorted newest first. Also see

<ref>

<https://www.americanfreedomlawcenter.org/case/jeffrey-cutler-v-u-s-dept-of-health-human-services/></ref>

and <ref> <https://www.brennancenter.org/legal-work/corman-v-torres></ref><ref>

[https://www.pacemonitor.com/public/case/27231978/CUTLER\\_v\\_PELOSI\\_et\\_al](https://www.pacemonitor.com/public/case/27231978/CUTLER_v_PELOSI_et_al)</ref>

Show less



<https://www.youtube.com/watch?v=1f-6d8xTKGg>

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

2

JEFFREY CUTLER

Plaintiff

v.

NANCY PELOSI IN HER OFFICIAL  
CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES

CITIZENS BANK,  
FULTON BANK,

WIKIPEDIA FOUNDATION,  
VERIZON CORPORATION,  
GOOGLE CORPORATION,

ERIE INSURANCE,  
STATE FARM INSURANCE,  
LEMBERG LAW LLC,

FORD MOTOR COMPANY,  
MANHEIM SCHOOL DISTRICT,  
HAVERFORD POLICE

DEPARTMENT,  
PHILADELPHIA NEWSPAPERS  
INC,

ASSOCIATED PRESS,  
U.S. NEWS AND WORLD  
REPORTS,

BEND BULLETIN NEWSPAPER,

And

JOHN DOES and JANE DOES,

Defendants

CASE NO. 5:19-cv-00834

JURY TRIAL DEMANDED

**FILED**

DEC 23 2019

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**MOTION TO HAVE CHANGE IN VENUE FOR CASE 4:18-cv-00167-0  
FROM STATE OF TEXAS TO PENNSYLVANIA  
AND RESPONSE TO ECF 115**

Here comes Jeffrey Cutler, acting Pro se, previously filed a RESPONSE TO GOOGLE, LLC (ECF 99) FOR WRIT OF EXECUTION AND WHISTLEBLOWER on 08NOV2019 had respectfully requested the court per rule 6 direct the clerk of court declare all parties in DEFAULT for failing to respond to the document filed 08NOV2019 (ECF 101), and pursuant to Rule 55(b)(1) of the Federal Rules of Civil procedure, for entry of default against all defendants in support of this request Jeffrey Cutler relied on the record in this case and the affidavit submitted. Mr. Cutler also requested the court schedule a jury trial to determine the shared liability of all defendants in this case and provide an impartial judge with no history to any defendant in this case such as Juan Ramon Sanchez.. Mr. Cutler NOW **REQUESTS ON AN EMERGENCY BASIS SCHEDULE A START DATE FOR A** jury trial to determine the shared liability of all defendants in this case , provide an impartial judge with no history to any defendant in the cases and provide the test of the constitutionality of the Pennsylvania INPECTION LAW OF VEHICLES and constitutionality of the Affordable Care act (OBAMACARE), which was declared UNCONSTITUTIONAL BY AN APPEALS COURT ON 18DEC2019. Mr. Cutler filed an original case in Washington (1-13-cv-2066 31DEC2013), which was granted the right to defend the establishment clause on 14AUG2015. Since all the defendants have DEFAULTED in this case, an equal distribution of the 6.5

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 Case 4:19-cr-00367 Document 91 Filed 03/04/20 Page 152 of 380

Billion dollar requested compensation may not be the best solution. Per ECF 115 all defendants should testify under oath, and show why they failed to show **GOOD CAUSE** why **BEING OUT OF TIME**, they should be excused. Mr. Cutler per the order in United States Court of Appeals case 19-10011 states they should be DENIED. Mr. Ricahard Coe should also show cause why he USED MAIL FRAUD TO TRY AND JUSTIFY HIS CASE to defend his client and alter the results of the court. NANCY PELOSI (SPEAKER OF THE HOUSE) should show why she has not also violated VIOLATED THE UNITED STATES CONSTITUTION AMMEND 6 (AGAINST THE PRESIDENT..RIGHT TO SPEEDY TRIAL) and RIGHT TO HAVE A LAWYER PRESENT. The President was denied these rights by the actions of Adam Shiff, just like Mr. Jammal Harris was denied these rights in the federal court Habeus Court hearing by Craig Stedman in the Lancaster County District Attorney Mr. Cutler. A **DECLARED WHISTLE BLOWER SHOULD BE PROTECTED** **WITH A CEASE AND DESIST** AGAINST THE PARTIES, THAT ARE **SOME OF THE SAME INDIVIDUALS** THAT HAVE CONSPIRED TO TRY AN FALSEY IMPEACHMENT AGAINST THE PRESIDENT USING PERJURED TESTIMONY. All persons mentioned by Mr. Cutler in EVERY lawsuit and their lawyers should be allowed to testify under oath to explain why on or about march 17, 2017 Amber Geen,

Bian Hurter, Dennis Stuckey, Mr. Buckwalter, Ralph Hutchinson, and judge Margaret Miller along with the lawyers (Susan Peipher, Christina Hausner) all conspired to commit a bank robbery of Fulton Bank. Susan Peipher and Christina Hausner wrote a note which judge Margaret Miller signed. It was then executed by Mark Katkovcin at Fulton Bank on or about April 3, 2017 (18 U.S.C. § 2113). The total amount of the robbery exceeded \$ 900,000.00. Mr. Cutler had arranged for his mother to mail him a birthday card and birthday check from CITIZEN's bank to the lock box he opened on or about January 07, 2014 with a \$ 4,000 deposit to Fulton Bank. Susan Peipher knew or should have known that Amber Green failed to have a surety bond when she created a resolution to assign her the Tax Collection duties on Feb 23, 2017, and did not have one until on or about July 18, 2018, and thus was NEVER ALLOWED TO COLLECT THE TAXES LEGALLY. Also Lawyer Richard Mills conspired to defraud Travelers Insurance and file a false lawsuit which violated 18 U.S.C. 242 (deprivation of rights under color of law) and also conceal 190,000 counts of Mail Fraud and at least 2 counts of insurance fraud with LNP newspaper and NBC affiliate WGAL by committing perjury and making false statements under oath, just like James Comey made false statements to the FISA court on multiple occasions, for spying on the president. Also as per as per ECF #5 in federal case number 2:17-cv-00984 by the late Thomas O'Neill, the order denies any



claims for failure to notify all parties and ECF 111 and 112 fails to notify ALL parties that were served even though they are listed by Cutler. This was all done because Mr. Cutler is Jewish, just they previously set up Lisa Michelle Lambert for Murder, after raping her at gunpoint. The murder of 4 individuals in Jersey City, NJ. on 10DEC2019 was identified by the Mayor of that city as targeted event aimed at the KOSHER GROCERY STORE. Cutler also notified the court in his previous filing that the three traffic citations for failing to get a vehicle inspection and the constitutionality of law be argued in this court to provide a neutral change of venue since Judge Denise Cummins is named in a pending federal lawsuit in the United States Court of Appeals (18-3693) with Mr. Cutler. It should also be noted that as part of ECF 109, evidence of Google sending the the cert of 25OCT2019 to the WRONG ADDRESS, Mr. Coe of DrinkerBiddle&Reath sent the cert when it was returned on 18NOV2019 by conventional mail and it was not recieved by Mr. Cutler until 06DEC2019. A callas disregard for getting the document on time to Mr. Cutler instead of priority mail, and a form of MAIL FRAUD. The three traffic citations mentioned prviously for clarity are MJ-32125-TR-0001212-219, MJ-02302-TR-003403-2019, and TR0001501-2019. All mail was diverted from Mr. Cutler so that all documents were only picked up on 06DEC2019. Conspiracy and Mail Fraud, because Mr. Cutler is Jewish, and the parties are acting as an agent of

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the Klu Klux Klan to conceal a federal crime of Murder of a government employee and violated 18 U.S.C. 242 (deprivation of rights under color of law). ECF 110 by Fulton Bank should be DENIED because it tries to coverup a **FEDERAL FELONY** and also obstruct the discovery of the individuals that actually carried out the **MURDER** of a **FEDERAL EMPLOYEE**. Nancy Pelosi on 10DEC2019 stated that the president is being impeached for **ABUSE OF POWER** and **OBSTRUCTION OF CONGRESS**. Based on the logic applied by the house, any **VETO** could also be considered **OBSTRUCTION OF CONGRESS**. Mr. Cutler has also notified the court that laws recently signed by Mr. Tom Wolf, the current elected forty-seventh Pennsylvania governor that the law started as Senate bill 473 violates the Pennsylvania constitution by violating the Uniformity clause by providing different tax rates to individuals that are in the military and not in the military. The summary offense is just a form of taxation, and cannot be applied unequally, as was the ruling for allowing of universal marriage between 2 people. He also notifies the court that Judge Barry Bloss, Cynthia Rufe, and Judge Eduardo Robreno violated 18 U.S.C. 242 (deprivation of rights under color of law). Judge Robreno issued an order on October 9, 2019 that threatened Mr. Cutler with violent consequences by MAIL, if he tried to file a motion for reconsideration, violating the United States Constitution Amendment 1 and right to defend the first Amendment

granted by the United States Court of appeals on 14AUG2015.

Judge Bloss ignored the federal action, and still issued a warrant, even though he had documentation to the contrary. Brian Sims has been in default since the end of May 2019. Judge Rufe had violated Mr. Krieger's rights by not allowing discovery and due process, and violated 18 U.S.C. 242 (deprivation of rights under color of law) FOR NEW CRIMES for which he was subjected, and protected members of the Klu Klux Klan. Mr Cutler had previously requested court issue a Writ of Execution against all defendants in favor of all Plaintiffs in both cases. The final combination of case # 5:19-cv-00834 with case # 2:19-cv-03149, and find all parties guilty of default and summary judgement. Even though the cause in case 2:19-cv-03149 was identified as employment discrimination it actually is religious and race discrimination based on Tami Levin being born Jewish and a target by members of the KLU KLUX KLAN, and ALSO that it was the target of the Philadelphia DA pursuant to furtherance of a federal crime, specifically the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). This case also involves bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor Company, ERIE Insurance Group, Verizon, and Fulton Bank have

Attorney supported by a George Soros organization <ref>  
<https://www.inquirer.com/philly/news/politics/Soros-145-million-investment-in-DAs-race-draws-heat-for-Krasner.html> </ref>, is documented proof that the Mr. Krasner may have an

agenda that discriminates against Jewish individuals and his support for reducing charges against Michael White for the knife murder in the back to an unarmed Sean Schellenger and subsequent throwing the case and legalizing the Murder of unarmed individual (Jewish Individual). The only thing Mr. Krasner did not do is try to get the jury to believe it was a suicide. <ref> <https://6abc.com/murder-charges-reduced-in-deadly-center-city-stabbing/3860985/> </ref>

The Medical examiner of Philadelphia recently was sued by the parents of a Jewish school teacher that was found dead and previously be been declared a murder, and was changed to suicide, allegedly based on police pressure. <ref> <https://www.pennlive.com/news/2019/10/parents-sue-medical-examiner-to-change-daughters-death-ruling-from-suicide-to-homicide.html> </ref> Mr. Soros had previously done an interview with television show 60 minutes expressing his pleasure in destroying the lives of Jewish individuals. <ref> <https://www.worldcat.org/title/60-minutes-george-soros/oclc/934520933> </ref> Mr. Krasner was backed significantly by a Soros organization in a reported amount of 1.4 million. The default judgement filed 18JUN2019 as part of case 5:19-cv-00834 the against Brian Sims in his Official Capacity as the only openly gay Representative of the Commonwealth of Pennsylvania did PROUDLY show he willfully and deliberately violated the United States Constitution, the establishment clause Ammend 1 and his Oath of Office, by actively preventing a woman from praying across the street of the Planned Parenthood office in Philadelphia. The actions involved also involves a conspiracy to hide an ongoing criminal

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enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi in her official capacity did violate via her lawyer (Mr Donald B. Verilli Jr.) and stated “[N]o one would be hurt and the greater justice would be attained” and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime on her behalf just after she became speaker of the house. She has also has interfered with the treaty between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters with Annex, signed at Kiev on July 22, 1998, and with an Exchange of Notes signed on September 30, 1999, which provides for its provisional application. Katie Hill (a Democrat member of the house from California) was forced to resign from office and a story in the Baltimore Sun references a picture with her or her lover and a NAZI Iron cross tatoo. <ref> <https://www.baltimoresun.com/opinion/readers-respond/bs-ed-rr-liberal-media-katie-hill-letter-20191030-x5rieak2mff7xfcgfmdtdr7qha-story.html> </ref> Based on the Katie Hill resignation, **Nancy Pelosi must also resign her position.** In another previous incident by a member of the house of Representatives United States Representative <ref> <https://www.youtube.com/watch?v=m3Rut64GDgA> </ref> Mr. Adam Schiff did willfully and with forethought did intentionally violate the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). Also this case also involves (18 U.S. Code § 1519 – Destruction, alteration,

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or falsification of records), (18 U.S. Code § 1505 – Obstruction of proceedings before departments). It is now repoted that a staffer of Adam Shiff was linked to a think tank backed by Burisma, the Ukrainian energy company involved in the Hunter Biden controversy. <ref>

<https://www.youtube.com/watch?v=9SsZVwonUHw> </ref> By requesting the case be dismissed with prejudice and the joint filing by ASSOCIATED PRESS, PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level of conspiracy and also George Soros linked groups hurting people like Taylor Swift <ref> <https://www.youtube.com/watch?v=lqiasqMJXac> </ref> and per United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v. Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984).

The courts have affirmed, it must “afford a liberal reading to a complaint filed by a pro se plaintiff,” particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) (“A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted).

WHEREFORE, for all the foregoing reasons, and the documented murders of 3 federal employees by Mr. Cutler (Jonnathan Luna, Beranton Whisenant,



and Justin Zemser) and 5 children on May 13, 1985 and significant discrimination against other Jewish individuals (11 murdered by Robert Bowers 2:18-cr-00292), (discrimination by police in Philadelphia police department against Jewish Police officers 2:18-cv-05029), Mr Cutler's motion in District of Columbia case #1:17-cv-01154 (ECF #79) the books "Love-Murder-Corruption-Lancaster-County" and "BLACK KLANSMAN". Although the may be Klu Klux Klan, which was outlawed in 1871, and has not been specifically identified, equal treatment under the law violations are apparent in this case. The mayor of Philadelphia has made several statements supporting Hahnemann hospital but the actions of the city fail to support that claim, which amounts to perjured testimony. The governor of Pennsylvania has made several statements supporting Hahnemann hospital but the actions of the commonwealth fail to support that claim, which amounts to perjured testimony. The bankruptcy courts have also deleted documents in support of the has Specifically, they recently filed a notice to cancel their operating license to be a hospital. A seven year old boy that died as result of an activity is being prosecuted while those responsible for the MURDER of a seven year old boy May 13, 1985 has gone completely unpunished in any form, and concealed from normal view.

<ref> <https://www.inquirer.com/news/death-subway-charges-broad-street-line-septa-district-attorney-philadelphia-aden-devlin-20190829.html> </ref>

The recent deaths of Whitey Bolger (and Mr. Bolger's relative involved with

Joe Biden's son in Ukraine gas company) and Jeffrey Epstein and multiple praise for late senator Byrd by Hillary Clinton demonstrates the level this has existed in the United States also for a long period of time including the Scottsboro Boys in 1931, the Democratic party and on August 16, 2016 Seth

Rich is mentioned in the filing in Philadelphia United States Court of Appeals for the Third Circuit case 16-3164 <ref>  
[https://en.wikipedia.org/wiki/Talk%3ADemocratic\\_National\\_Committee#Removed\\_sentence](https://en.wikipedia.org/wiki/Talk%3ADemocratic_National_Committee#Removed_sentence)  
 </ref>.

In fact persons in the United States Government have obstructed justice in this case as well as case 19-11466 and may be involved in blocking another federal case 2:19-cv-03149. The rampant discrimination in Pennsylvania by the Klu Klux Klan against Jewish, African Americans, and other (some of which Government Officials) are other minorities is a stain on the constitution. A rose by any other name would smell just as sweet, the KLU KLUX KLAN, no matter the name they PROUDLY use just smells, like a number 2. The court should also deny all parties a motion to Dismiss since they all failed to notify in all responses to all parties as and would violate equal protection as per ECF #5 case # 2:17-cv-00984 by the late Thomas O'Neill, the order denies any claims for failure to notify all parties. Haverford Police have finally decided to notify all parties, but documented history cannot be undone, and they have presented NO argument which suggest they should be excused. ALSO that it was pursuant to furtherance

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of a federal crime. This is just like the activities that were charged against general Flynn by the FBI that were intentionally set-up. In this case the federal crimes are specifically mail fraud, abuse of power, abuse of process, bank robbery (18 U.S.C. § 2113), perjury (18 USC § 1001), and violations of the the Securities Act of 1933 and Securities Exchange Act of 1934 via misrepresentation (17 CFR § 240.10b-5). Google, Ford Motor Company, and ERIE Insurance Group, have misrepresented their status in reports filed with the cars sold. Based on other information, these Air bags could be used to Murder persons on demand by members of the Deep State. <https://www.consumerreports.org/car-recalls-defects/takata-airbag-recall-everything-you-need-to-know/> Lemberg Law acting as an agent for Ford Motor Company did deny they are representing Mr. Cutler after notifying him via mail they intend to represent him. Mr. Cutler has not driven his 2011 Ford Fusion since Oct 2, 2017 when six police officers from East Lampeter Township conspired with the constable to destroy all the evidence in the case by Ralph Hutchinson, Amber Green Martin, Scott Martin, Brian Hurter and others not mentioned or served to steal in excess of over \$ 900,000.00 with the aid of the Lancaster County Courts based on perjured testimony but violating the Ten Commandments by bearing FALSE WITNESS with the aid of the news media (LNP and NBC) did willfully conspire to hide MURDERS, by public officials that may be members of the KKK. Mr. Cutler owns 10 shares of Ford Motor Company Stock and also 10 shares of Fulton (stock symbol

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FULT) in Schwab accounts. The default judgement filed 18JUN2019 against Brian Sims in his Official Capacity as a Representative of the Commonwealth of Pennsylvania did PROUDLY show he willfully and deliberately violated the United States Constitution, the establishment clause Ammend 1 and his Oath of Office, by actively preventing a woman from praying across the street of the Planned Parenthood office in Philadelphia. The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes (18 U.S. Code § 1519 – Destruction, alteration, or falsification of records), (18 U.S. Code § 1505 – Obstruction of proceedings before departments). By requesting the case be dismissed with prejudice and the joint filing by ASSOCIATED PRESS, PHILADELPHIA MEDIA NETWORK LLC (PMN) demonstrates the level of conspiracy United States v. Schmuck, 489 U.S. 705, 710 (1989), United States v. Coachman, 727 F.2d 1293, 1302 n. 43 (D.C. Cir. 1984). Recently law enforcement officals which may be members of the KKK using illegal tracking techniques targeted Mr. Cutler to prevent his free movement, by giving penalties for failing to have an inspection on the dodge truck vehicle, in Springetsburry Township, York PA, Haverford Township and East Lampeter Township. The law being used against Mr. Cutler is UNCONSTITUTIONAL. It is a NON-UNIFORM TAX on persons, which violates the Commonwealth of Pennsylvania UNIFORMITY CLAUSE of

the Pennsylvania Constitution. The Commonwealth is aware of every vehicle that has an inspection since they actually charge an MCI fee for each car which is called in to PENDOT and does not mail fines to all subject vehicles. They also do not apply the law to any vehicles from other states which travel in Pennsylvania even though speed regulations are enforced. The Supreme Court of the United States Supreme Court cited equal protection in their approval of universal marriage despite the birth sex of the parties, June 26, 2015. The United States Supreme Court has also also cited by unanimous consent that excessive fines are unconstitutional by States in *Timbs v. Indiana*. This an attempt by the governor to use the government to commit premeditated Murder of Mr. Cutler for exposing the KKK in Pennsylvania, and the United States to cover crimes being inflicted upon residents of the commonwealth. The Governor has all types of enforcement on the sale of alcohol but has made it a trivial matter to Gamble with no enforcement or oversight, and it is now obvious they will be promoting the sale of lottery tickets with credit cards. On 08NOV2019 a woman told Mr. Cutler that her 15 year old daughter had lost hundreds of dollars buying lottery tickets in violation of Pennsylvania law. The governor has also announced that commonwealth will terminate the use of cash on the Pennsylvaniia Turnpike, even though the city of Philadelphia recently passed a law requiring all stores in Philadelphia to accept cash payments.

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The Pennsylvania Turnpike was built with the aid of Federal funds, and cash is legal tender for all debts public and private. Mr. Cutler ran against Tom Wolf twice. A previous govenor, while DA in Philadelphia was central in the murder of 5 children on 13MAY1985, as a form of eviction on Osage Avenue in Philadelphia. The courts have affirmed, it must "afford a liberal reading to a complaint filed by a pro se plaintiff," particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) ("A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.") (internal quotations and citations omitted). Wikimedia Foundation and their Lawyer Mr. Heller are using public money via their status as a 501(3)(c) corporation to further religious discrimination, a use not allowed, and participation in conspiracy to commit MAIL FRAUD with Mr. Lane Schiff and judge Eduardo Robreno violate rule 7 of the FRCP by issuing an order after only 1 day after possibly being served and withheld exculpatory pages. Based on the attached pages the state courts are declaring they can have DEFAULT JUDGEMENT and it is established law that federal court supercedes State Courts. (See evidence attached). Haverford police may have aided the theft of Mr. Cutler's wallet on Oct 22, 2019 from the Staples store at 1395 West Chester

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Pike, and their lack of diligence in identifying the individual that left the wallet minus about \$ 320 at the Falcon Center 525 West Chester Pike approximately 2 blocks away. The evidence shows a conspiracy to issue orders with everyone else on Yom Kippur, a significant Jewish Holiday. The evidence attached shows that the Commonwealth of Pennsylvania used information supplied by Google to track and possibly plan the MURDER of Mr. Cutler by legal means, or Police to help conceal the Klu Klux Klan and a corrupt organization. Recently The Australian Competition and Consumer Commission began proceedings against Google in the federal court in New South Wales on Tuesday, alleging it breached the law through a series of on-screen representations made as users set up Google accounts on their

Android mobile phones and tablets <ref> <https://www.reuters.com/article/us-australia-google-regulator/australian-regulator-files-privacy-suit-against-google-alleging-location-data-misuse-idUSKBN1X804X> </ref> The Pennsylvania's Whistleblower Law, 43 P.S. § 1421

et seq., provides for penalties and this case meets all those requirements, since three different police departments (Haverford, Springettsbury Township, and East Lampeter Township used this information to hide the Klu Klux Klan membership) in Pennsylvania just to ignore supremacy of FEDERAL law and target Mr. Cutler. Tami Levin and other Jewish Individuals. The current Governor and Mayor of Philadelphia meet these requirements as well. The Mayor's sugary beverage tax, is actually a "BLACK PERSON TAX" which gives the Mayor standing with the KKK as



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a superstar. In OBAMACARE the tax on Tanning was a "WHITE PERSON TAX". Brian Sims, High Inc., and East Lampeter Township have all DEFAULTED on this case, and to conceal the multiple murders in Pennsylvania the Commonwealth is using an unconstitutional law, mail fraud and conspiracy from Deep State Actors to try and cover-up these events and false incarceration of Lisa Michelle Lambert and violations of the patriot act by East Lampeter Township and Lancaster county. Although in PA most positions are won by vote, but Township Managers are essentially appointed by life, like a king. This case was filed two years from the when East Lampeter Township appointed the treasurer to collect taxes, who was never allowed to collect taxes legally and has never accounted for the bank robbery conspiracy (18 U.S.C. § 2113), which makes Google a party to these activities, and 100% of their assets subject to forfeiture <ref> [https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article\\_ef5b90bc-89d5-11e8-8ace-77712e721cba.html](https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article_ef5b90bc-89d5-11e8-8ace-77712e721cba.html) </ref> Since this case is also about the MURDER of FEDERAL Employees there is no statue of limitation. As an Official Whistle Blower in the Commonwealth of Pennsylvania, Jeffrey Cutler declares the actions Mr. Krasner, the Mayor of Philadelphia, and the Governor were a concerted effort to legally Murder Jews like Albert Chernoff, the woman found in her home in the 800 block of Bergen Street, Jill Millman (page B3 Inquirer Thursday November 7, 2019) by persons like Fred Arena (page B1 Inquirer Thursday November 7, 2019),

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or Michael White or persons simimilarly situated. Mr. Cutler delares as part of this document that he is WHISTLEBLOWER exposing the Governor and Mayor as members of this organization in a public matter. Unlike the alleged WHISTLEBLOWER impeachment orchestrated by Eric Ciaramella with others Mr. Cutler has signed and dated this

WHISTLEBLOWER document that, unlike the cladestine misuse of the

legal system by the house <ref> <https://www.washingtonexaminer.com/news/alleged-whistleblower-eric-ciaramella-was-biden-guest-at-state-department-banquet> </ref> The hatred

of coal may be related to the fact that bad people get a lump of coal in their stocking by St. Nick at Christmas, so if there is no coal, what they are doing cannot be considered evil. Both Seth Rich and Edward Snowden were

WHISTLEBLOWERS, Seth is dead and Edward Snowden is in exiled to

Russia. All documents in Cases 18-3693, 17-2709, 14-5183 should be included by reference. Based on the OIG report page 256, a lawyer for the DOJ altered an email and then used the altered email for basis of the FISA court warrant to SPY ON THE PRESIDENT. This is based on questions

posed bt Senator Cruz on 11DEC2019. For the reasons stated above ECF 103, 104, 105 & 106 should be denied. At minimum a subpoena should be issued for Nancy Pelosi, Lisa Michelle Lambert, Tabatha Buck, John

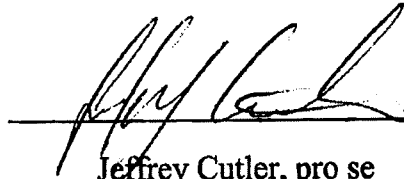
Brennen, James Clapper, James Comey, Andrew McCabe all parties served and named as part of this legal action suit and their lawyers, state judges

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named, April Brooks, Springetsburry Police Department, Haverford Police Department, all lawyers that are listed in all the various Cases, reporters for the newspapers and served by federal MARSHALLS. It is curious that all defendents in this case have decided to share equally all of the penalties and blame.

Respectfully submitted,

DATE: 23 DEC 2019

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2019 upon consideration Plaintiffs Motion for Default Judgment and for good cause shown, it is hereby ORDERED the Motion is GRANTED. SO ORDERED.

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- especially any officials of the United States Government, and all payments by any George Soros organization.
- [11] Order a one million dollar a day penalty per named defendant, until Mr. Cutler's reputation and credit are restored or individual agreements are reached with each party.
- [12] Order Susan Peipher Esquire, East Lampeter Township, Lancaster County Courts and unnamed others show cause why they should not be charged with violations of the RICCO ACT, both 18 U.S.C. §§ 1961–1968. RICO violations, and 18 U.S.C. § 1964, Civil RICCO Act.
- [13] Order Susan Peipher Esquire, Christina Hausner, East Lampeter Township, East Lampeter Township Police, Lancaster County Courts, Ralph Hutchinson, Judge Margaret Miller, Scott Martin, Elam Herr, all named defendants in this case and unnamed others show cause why they should not be charged with violations of 18 U.S.C. § 2113 (bank robbery).
- [14] Order Fulton Financial to return all money for accounts ending with 8603 and 8612 with penalties.
- [15] Order Fulton Financial to compensate the plaintiffs for cases 5:18-cv-00987 and case 2:17-cv-02763 as demanded in their respective lawsuits.
- [16] Order Wikimedia foundation and all media outlets specified to provide space and corrections as provided by the plaintiff and his designated representative for fake news.
- [17] Order Summary Judgement be awarded for all other cases Mr. Cutler has been denied due process be awarded.
- [18] Other remedies the court deems appropriate.
- [19] Order the Democratic National Committee to also show why they are not a party to Religious discrimination.
- [20] Order Nancy Pelosi to resign from her position for the false statement (18 USC § 1001) made through her lawyer.
- [21] Order Susan Peipher Esquire and other lawyers guilty of similar activities, to be barred from participation in the Federal Court CM/ECF system.
- [22] Order the United States Government to stop collecting or accessing penalties **FOR FAILURE to comply with established tenets or teachings of such sect or division of ANY religion in violation of the U.S. Constitution amendment 1 and declare the ACA unconstitutional**, based on the 89 page writ of USCA case 17-2709 on page 314A, and Supreme court case # 15-632.

Dated: \_\_\_\_, 2019 \_\_\_\_

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BY THE COURT

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## ADDENDUM

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USCA Case #14-5183 Document #1567864 Filed: 08/14/2015 Page 1 of 1

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 14-5183**

**September Term, 2014**  
**FILED ON: AUGUST 14, 2015**

**JEFFREY CUTLER,**

**APPELLANT**

**v.**

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,**  
**APPELLEES**

**Appeal from the United States District Court**  
**for the District of Columbia**  
**(No. 1:13-cv-02066)**

**Before: HENDERSON, ROGERS and MILLETT, Circuit Judges**

**JUDGMENT**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED and ADJUDGED** that the judgment of the District Court appealed from in this cause be reversed as to Cutler's standing to press his Establishment Clause challenge, and be affirmed both as to the merits of his Establishment Clause claim and his lack of standing to press his equal protection challenge, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
**Mark J. Langer, Clerk**

**BY: /s/**  
**Ken Meadows**  
**Deputy Clerk**

**Date: August 14, 2015**

**Opinion for the court filed by Circuit Judge Millett.**





## JUDGMENT

**KING, Circuit Judge, dissenting.**

**FIFTH CIRCUIT  
OFFICE OF THE CLERK**

**TEL. 504-310-7700**  
**600 S. MAESTRI PLACE**  
**NEW ORLEANS, LA 70130**

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

Enclosed is an order entered in this case.

LYLE W. CAYCE, Clerk

By: Roeshawn Johnson, Deputy Clerk  
504-310-7998

Ms. Munera Al-Fuhaid  
Mr. Ryan Wolfe Allison  
Ms. Ginger Anders  
Mr. Peter J. Anthony  
Mr. A. Xavier Baker  
Mr. Benjamin Battles  
Mr. Matthew Joseph Berns  
Mr. Jack R. Bierig  
Mr. Nathanael Blake  
Mr. Kenneth Lee Blalack II  
Ms. Kathleen Boergers  
Mr. Wade Carr  
Mr. Z.W. Julius Chen  
Mr. Lawrence Crawford  
Mr. Stuart F. Delery  
Ms. Bridget DiBattista  
Mr. Nicholas M. DiCarlo  
Ms. Margaret Dotzel  
Mr. John Allen Eidsmoe  
Mr. Nimrod Elias  
Mr. August E. Flentje  
Mr. Benjamin Michael Flowers  
Mr. Brian Rene Frazelle  
Mr. Matthew Hamilton Frederick  
Ms. Elaine Goldenberg  
Ms. Brianne Gorod  
Ms. Maame Gyamfi  
Mr. David J. Hacker  
Ms. Caitlin Joan Halligan  
Mrs. Fadwa A. Hammoud

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Mr. Brooks M. Hanner  
Mr. Kyle Douglas Hawkins  
Mr. Joshua L. Hedrick  
Mr. Matthew S. Hellman  
Mr. Robert E. Henneke  
Ms. Hyland Hunt  
Mr. Scott H. Ikeda  
Mr. Paige Jennings  
Ms. Michelle Shane Kallen  
Mr. John T. Kitchens  
Mr. Jeremy Kreisberg  
Ms. Maria Rose Lenz  
Mr. Douglas Neal Letter  
Mr. Sean Michael Marotta  
Ms. Catherine M. Masters  
Mr. Darren Lee McCarty  
Mr. Matthew Robert McGuire  
Mr. Raffi Melkonian  
Mr. Jonathan Meltzer  
Ms. Rachel Miller-Ziegler  
Ms. Karen S. Mitchell  
Mr. Robert Tadao Nakatsuji  
Mr. Eric Olson  
Mr. William Jeffrey Olson  
Ms. Neli N. Palma  
Mr. Joseph R. Palmore  
Ms. Beth Bivans Petronio  
Ms. Lanora Christine Pettit  
Mr. Ashwin Pradyumna Phatak  
Mr. Joseph Rubin  
Mr. Richard Salgado  
Mr. Jaime Santos  
Mr. Andrew Layton Schlafly  
Mr. William B. Schultz  
Mr. Jay A. Sekulow  
Mr. Pratik A. Shah  
Ms. Kristin Ann Shapiro  
Mr. Samuel Siegel  
Ms. Benna Ruth Solomon  
Ms. Marie Soueid  
Mr. Jeffrey T. Sprung  
Mrs. Heidi Parry Stern  
Mr. Todd Barry Tatelman  
Mr. Martin Vincent Totaro  
Ms. Jessica Elaine Underwood  
Ms. Lorraine Alofa Van Kirk  
Ms. Caroline Van Zile  
Mr. Donald B. Verrilli Jr.  
Mr. Stephen B. Vogel  
Ms. Jessica Willey  
Mr. Daniel W. Wolff  
Ms. Elizabeth Bonnie Wydra  
Mr. David Meir Zionts

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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**No. 19-10011**

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**STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA; STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MISSISSIPPI, by and through Governor Phil Bryant; STATE OF MISSOURI; STATE OF NEBRASKA; STATE OF NORTH DAKOTA; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF TENNESSEE; STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF ARKANSAS; NEILL HURLEY; JOHN NANTZ,**

**Plaintiffs - Appellees**

**v.**

**UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; ALEX AZAR, II, SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, in his Official Capacity as Commissioner of Internal Revenue,**

**Defendants - Appellants**

**STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF KENTUCKY; STATE OF MASSACHUSETTS; STATE OF NEW JERSEY; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF VIRGINIA; STATE OF WASHINGTON; STATE OF MINNESOTA,**

**Intervenor Defendants - Appellants**

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Appeals from the United States District Court  
for the Northern District of Texas

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**O R D E R :**

**IT IS ORDERED** that Lawrence Crawford's motion for leave to file motion to intervene out of time is **DENIED**.

**IT IS FURTHER ORDERED** that Lawrence Crawford's motion for leave to file motion to intervene in excess pages is **DENIED**.

**LYLE W. CAYCE, CLERK**  
United States Court of Appeals  
for the Fifth Circuit  
/s/ Lyle W. Cayce

**ENTERED AT THE DIRECTION OF THE COURT**

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No. 19-10011

2493-95; *see also* § 5000A(e)(1)(A) (“No penalty shall be imposed . . . with respect to . . . [a]ny applicable individual for any month if the applicable individual’s required contribution (determined on an annual basis) for coverage for the month exceeds 8 percent of such individual’s household income . . .”).<sup>16</sup> Noting the importance of the tax credits and coverage requirement (as enforced by the shared-responsibility payment) to the statutory structure, the Court concluded as a matter of statutory interpretation that Congress did not intend a scheme in which neither tax credits nor the coverage requirement were operating to bring low-risk consumers into the insurance pools. *See King*, 135 S. Ct. at 2492-94 (“The combination of no tax credits and an ineffective coverage requirement could well push a State’s individual insurance market into a death spiral. . . . It is implausible that Congress meant the [ACA] to operate in this manner.”).

The district court framed *King* as saying that Congress intrinsically tied the community-rate and guaranteed-issue provisions to the coverage requirement, meaning that those provisions must be inseverable from the coverage requirement. But the district court ignored a crucial aspect of the *King* Court’s analysis: it explicitly discussed the coverage requirement as enforced by the shared-responsibility payment. *See id.* at 2493 (referring to the coverage requirement as “a requirement that individuals maintain health insurance coverage *or make a payment to the IRS*” (emphasis added)). Indeed, as the Court identified it, the crux of the problem with denying consumers tax credits in federal-exchange states was that doing so would make a large

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<sup>16</sup> Lest there be any confusion, the exemption at issue in *King* exempted individuals otherwise subject to the coverage requirement from the shared-responsibility payment; it did not exempt them from the coverage requirement itself. Exemptions from the shared-responsibility payment are listed in § 5000A(e)(1), whereas exemptions from the coverage requirement itself are listed in § 5000A(d).



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No. 19-10011

number of individuals unable to afford insurance, thus exempting them from the shared-responsibility payment. *See id.* These widespread exemptions would, in turn, make the coverage requirement “ineffective.” *Id.* *King* thus speaks far more to the shared-responsibility payment’s role in the ACA’s pre-TCJA statutory scheme than it does the coverage requirement’s role in the statutory scheme.

Even to the extent the Court in *NFIB* or *King* meant to opine on the coverage requirement’s severability, these cases were both decided before the TCJA. They thus give no insight into how the coverage requirement fits into the post-TCJA scheme. Whatever reservations the Court previously harbored about severing the coverage requirement, Congress plainly did not share those concerns when it zeroed out the shared-responsibility payment. Congress either concluded that healthcare markets under the ACA had reached a point of stability at which they no longer needed an effective coverage requirement,<sup>17</sup> or it chose to accept the negative side effects of effectively repealing the coverage requirement as a cost of relieving the burden it placed on applicable individuals. Either way, the legislative considerations have necessarily shifted.

In sum, there was no reason for the district court to conclude that *any* provision in the ACA was inseverable from the coverage requirement. The majority does not necessarily disagree. I thus do not understand its decision to remand when, even on the majority’s analysis of the case, it could instead

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<sup>17</sup> *See* CBO Report, *supra*, at 1 (concluding that “[n]ongroup insurance markets would continue to be stable in almost all areas of the country throughout the coming decade” if the coverage requirement were repealed); Amicus Br. of Blue Cross Blue Shield Ass’n at 24-27 (explaining that tax credits and other ACA provisions are driving enough consumers into insurance markets to make the coverage requirement unnecessary).

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reverse and render a judgment declaring only the coverage requirement unconstitutional.

V.

Limits on judicial power demand special respect in a case like this. For one thing, careless judicial interference has the potential to be especially pernicious when it involves a complex statute like the ACA, which carries such significant implications for the welfare of the economy and the American populace at large. For another, the legitimacy of the judicial branch as a countermajoritarian institution in an otherwise democratic system depends on its ability to operate with restraint—and especially so in a high-profile case such as the one at bar. The district court's opinion is textbook judicial overreach. The majority perpetuates that overreach and, in remanding, ensures that no end for this litigation is in sight.

I respectfully dissent.

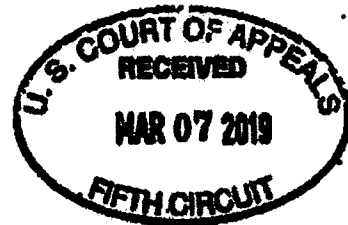
Case 4:18-cv-00167 Document 269 Filed 12/16/19 Page 6 of 25 PageID 3267  
Case 5:19-cv-00834 Document 113 Filed 12/16/19 Page 26 of 28  
Case: 18-0693 Document: 003129188270 89 Page 50/11 Date Filed: 02/16/2019

**In The  
United States Court of Appeals  
for the Fifth Circuit**

**19-10011**

**JEFFREY CUTLER  
Intervenor Plaintiff-Appellee**

**STATE OF TEXAS, et al.  
Plaintiff-Appellees**



**v.**

**UNITED STATES OF AMERICA, et al.  
Defendants-Appellants**

**STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants**

**NANCY PELOSI  
Intervenor Defendants-Appellant**

**Appeal from the Order/Judgment entered Dec 14, 2018 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0**

**RESPONSE TO NANCY PELOSI'S PETITION OF 03JAN2019**

**ORAL ARGUMENTS REQUESTED**

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 Case 5:19-cv-00834-JLS Document 114 Filed 12/17/19 Page 28 of 32  
 Case 5:19-cv-00834-JLS Document 89 Filed 10/14/19 Page 17 of 122



YouTube

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Pa. House Video

Published on Jul 11, 2019

SUBSCRIBE 1.4K

Pa. state Rep. Brian Sims joined advocates in colleagues in fighting to save Hahnemann University Hospital. He explains why closure would be detrimental for families across Philadelphia. More at <http://www.pahouse.com/Sims>

SHOW MORE

0 Comments



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COMMENT CENSORED \*\*\*



Add a public comment...



JC\_ 1 day ago

In May 2019, Sims posted an eight minute video of himself confronting a woman who was protesting outside a Planned Parenthood facility in Philadelphia by praying with a rosary. On May 15, 2019 he was served a summons for federal case 5:19-cv-00834 (Cutler v. Pelosi et al.) at his office on Chestnut Street. On July 15, 2019 at 3:00 PM the Default Judgement entered against Brian Sims on June 18, 2019 was used as collateral for trying to help Hahnemann Hospital stay open case # 19-11466 Delaware Bankruptcy Court. On July 10, 2019 Jeffrey Cutler discovered the document filed in the Bankruptcy case #19-11467 is docketed as document #104 in Bankruptcy court case# 19-11466 (related case). On July 11, 2019 Jeffrey Cutler testified at the end of the hearing for case #19-11466 about his plan to save Hahnemann Hospital. Prior to his testimony the lawyer for PHILADELPHIA ACADEMIC HEALTH SYSTEM, LLC violated 18 USC § 1001 in open court and claimed he had talked to the Nurses. The lawyer representing the nurses union weighed in via phone and contradicted his statement during the hearing. THIS MEANS THAT BRIAN SIMS MAY HELP KEEP THE HOSPITAL OPEN DEFAULTING IN CASE 5:18-cv-00834!!!! Watch [https://www.youtube.com/watch?v=mgCle8F\\_zUk](https://www.youtube.com/watch?v=mgCle8F_zUk) for more information and read comments sorted newest first. Also see

<ref>

<https://www.americanfreedomlawcenter.org/case/jeffrey-cutler-v-u-s-dept-of-health-human-services/></ref>

and <ref> <https://www.brennancenter.org/legal-work/corman-v-torres></ref><ref>

[https://www.pacemonitor.com/public/case/27231978/CUTLER\\_v\\_PELOSI\\_et\\_al](https://www.pacemonitor.com/public/case/27231978/CUTLER_v_PELOSI_et_al)</ref>

Show less



<https://www.youtube.com/watch?v=1f-6d8xTIGo>

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 Case 5:19-cr-00834-JLS Document 144 Filed 12/27/19 Page 29 of 30  
 Case 18-3693 Document 103113247953 Page 33 Date Filed: 05/21/2019  
 CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD Document 10 Filed 02/26/19 Page 17 of 20

2. Jeffrey Cutler To AT: Attached is a TAX cert and page 2 of 14 from... Jan 30 17
2. Milligan, Joseph A. (PH) (FBI) <Joseph.Milligan@ic.fbi> Jan 30 17, 4:11 PM  
 to me, John, JAN.MCDERMOTT, Dave Brown  
 Mr. Cutler,

Case and denial adding myself and ADA McDermott to any more of your emails regarding this matter. Special Agent Milligan

From: Jeffrey Cutler (mailto:chevcollector@gmail.com)  
 Sent: Sunday, January 28, 2017 11:40 PM  
 To: Murray, John <John.Murray@ic.fbi>;  
 JAN.MCDERMOTT@ic.fbi; Dave Brown  
 <davebrown@ic.fbi>; Milligan, Joseph A. (PH) (FBI)  
 <Joseph.Milligan@ic.fbi>  
 Subject: CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD

1. Jeffrey Cutler <chevcollector@gmail.com> Jan 30 17, 4:11 PM  
 to whitemichael, jaskins, dyeruskalini, jacob, labell, Dave Brown  
 To AT:

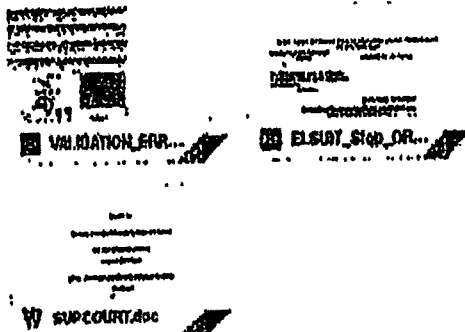
See the message below. I am involved with a bunch of People that are ANTI-SEMITIC. They are trying to set me up to be accused of THEFT. They have conspired to delete payment information and try and blame me for stealing. They are all criminals. The FBI does not want to help. They suggested FBI I get a lawyer. They just want claim the SEW IS A THEFT.

Jeff Cutler

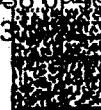
717-864-4718  
 216-892-5715

717-864-4718

### 3 Attachments



2. Devon Jacob Jeffrey, do not contact me again for any reason. If you do... Jan 30 17
2. Jeffrey Cutler Lennie... No Friends Jeff Cutler Jan 30 17
2. Jeffrey Cutler Junita I reveal to my breath. Jeff Cutler Jan 30 17



U.S. POSTAGE  PITNEY BOWES  
ZIP 19103 \$001.00<sup>00</sup>  
02 47  
0000346765 OCT 25 2019

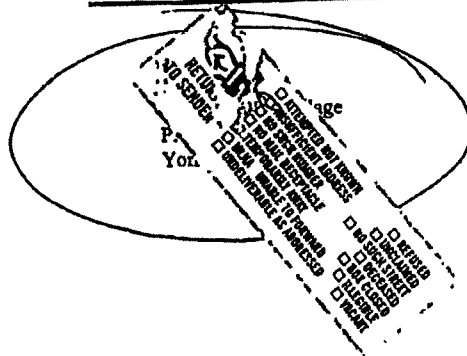
**RECEIVED**

NOV 18 2019

**✓ DSR MAILROOM**

Rick Coe

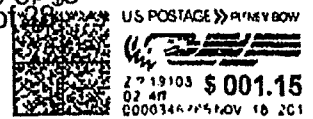
From  
**Drinker Biddle & Reath**  
One Logan Square, Ste. 2000  
Philadelphia, PA 19103-6996



UDNA  
WRONG  
PD.



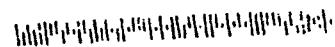
Case 4:19-cv-00834-JLS Document 109 Filed 12/12/19 Page 24 of 28  
Case 5:19-cv-00834-JLS Document 109 Filed 12/12/19 Page 24 of 28



RECoe/DJHayes

From  
DrinkerBiddle&Reath  
One Logan Square, Ste. 2000  
Philadelphia, PA 19103-6996

Jeffrey Cutler  
67 Cambridge Village  
P O Box 2806  
York, PA 17405



RCVD 06 DEC 2019



Case 4:18-cv-00167-00834-CUS Document 162 Filed 12/23/19 Page 72 of 820 Page ID 3272

Telephone: 2158725715

Issue: OTHER

Message Subject: IMPEACHMENT

Message Text:

NANCY PELOSI ON 03JAN2019 LIED UNDER OATH IN COURT!!! From page 5 case # 5:19-cv-00834 (ORIGINAL CASE FILED 26FEB2019) ECF 102 titled [MOTION FOR DEFAULT AGAINST NANCY PELOSI IN HER OFFICIAL CAPACITY AND ALL OTHER DEFENDANTS] [ECF 102 FILED 03DEC2019...NANCY'S LAWYER READ IT 04DEC2019 AND NANCY CALLED FOR IMPEACHMENT 05DEC2019 TO SAVE HER JOB!!!] ...The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi in her official capacity did violate via her lawyer (Mr Donald B. Verill Jr.) and stated "(N)o one would be hurt and the greater justice would be attained" and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime on her behalf just after she became speaker of the house. She has also has interfered with the treaty between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters with Annex signed at Kiev on July 22, 1998, and with an Exchange of Notes signed on September 30, 1999, which provides for its provisional application. Katie Hill (a Democrat member of the House from California) was forced to resign from office ...Based on the Katie Hill resignation, Nancy Pelosi must also quit her position. ...Based on a previous incident by United States Representative <ref> <https://www.youtube.com/watch?v=m3Ru164GDgA> </ref> Mr. Adam Schiff did willfully and with forethought did intentionally violate the Hobbs Act codified as 18 U.S.C. § 1951 and Foreign Corrupt Practices Act of 1977 (FCPA codified as 15 U.S.C. § 78dd-1). Also this case also involves (18 U.S. Code § 1519 - FROM PAGE 34 FILED JULY 24, 2018 BY TIME STAMP, BUT PUT ONLINE 08/10/2018 <ref> <http://redistricting.law.edu/files/PA%20common%20200724%20brief.pdf> </ref> Robert Mueller was the director of the FBI on December 4, 2003 when Jonathan Luna, (POSSIBLY BY MEMBERS OF THE KLU KLUX KLAN) was found MURDERED in Lancaster county, Pennsylvania. Five days after the death James Comey may have been given the number 2 position at the DOJ, to help cover-up the murder. At the time of the MURDER Andrew McCabe was in charge of the criminal division of the FBI. The FBI tried to get the coroner of Lancaster, county to call the MURDER a SUICIDE. Mr. McCabe was fired from the FBI for lies he made on March 16, 2018. April Brooks made the FALSE statement "There's no evidence to show that he met his death at the hands of any other individual," Brooks said. "Or that he had seen or been with any other individual that night. You have naysayers and you have a divergence of (law enforcement) opinion," she said. "But again, we turned over every rock. We are confident that there is nothing hanging out there to find." <ref> [http://articles.chicagotribune.com/2012-08-29/news/sns-ri-us-usa-security-falbre6730u5-20120829\\_1\\_white-collar-crime-drug-gang-gang-cases](http://articles.chicagotribune.com/2012-08-29/news/sns-ri-us-usa-security-falbre6730u5-20120829_1_white-collar-crime-drug-gang-gang-cases) </ref>. Even though this contradicts the report of the Lancaster county coroner. Destruction, alteration, or falsification of records, (18 U.S. Code § 1505 - Obstruction of proceedings before departments). Watch [https://www.youtube.com/watch?v=mngCie8F\\_zUk](https://www.youtube.com/watch?v=mngCie8F_zUk) for more information and read comments sorted newest first. Also see <ref> <https://www.americanfreedomlawcenter.org/case/jeffrey-cutler-v-u-s-dept-of-health-human-services/> </ref> and <ref> <https://www.brennancenter.org/legal-work/commentary-forres> </ref> <ref> [https://www.pacemonitor.com/public/case/27231978/CUTLER\\_v\\_PELOSI\\_et\\_al](https://www.pacemonitor.com/public/case/27231978/CUTLER_v_PELOSI_et_al) </ref> As an Official Whistle Blower in the Commonwealth of Pennsylvania, Jeffrey Cutler declares the actions Mr. Krashner, the Mayor of Philadelphia, and the Governor were a concerted effort to legally Murder Jews like Albert Chernoff, the woman found in her home in the 800 block of Bergen Street, Jill Milman (page B3 Inquirer Thursday November 7, 2019) by persons like Fred Arena (page B1 Inquirer Thursday November 7, 2019), or Michael White or persons similarly situated. Mr. Cutler declares as part of this document that he is WHISTLEBLOWER exposing the Governor and Mayor as members of this organization in a public matter. Unlike the alleged WHISTLEBLOWER the Mayor of Philadelphia, and the Governor were a concerted effort to legally Murder Jews like Albert Chernoff, the woman found in her home in the 800 block of Bergen Street, Jill Milman (page B3 Inquirer Thursday November 7, 2019) by persons like Fred Arena (page B1 Inquirer Thursday November 7, 2019), or Michael White or persons similarly situated. Mr. Cutler declares as part of this document that he is WHISTLEBLOWER exposing the Governor and Mayor as members of this organization in a public matter. Unlike the alleged WHISTLEBLOWER impeachment orchestrated by Eric Ciaramella with others Mr. Cutler has signed and dated this WHISTLEBLOWER document that, unlike the clandestine misuse of the legal system by the house <ref> <https://www.washingtonexaminer.com/news/alleged-whistleblower-eric-ciaramella-was-biden-guest-at-state-department-banquet> </ref> The hatred of coal may be related to the fact that bad people get a lump of coal in their stocking by St. Nick at Christmas, so if there is no coal, what they are doing cannot be considered evil. Both Seth Rich and Edward Snowden were WHISTLEBLOWERS, Seth is dead and Edward Snowden is in exile to Russia. THE ABOVE IS CENSORED BY EVERY NEWS OUTLET IN THE US THE FBI/CIA AND NBC THOUGHT I WAS GOING TO BE ON AMTRAK 188 WRONG JEFFREY CUTLER TOOK NON-RESERVED SEAT TRAIN EARLY I WAS AT HEARING USCA CASE 14-5183 IN WASHINGTON DC CASE DECIDED 14AUG2015 GRANTING STANDING TO SUE BOUGHT A ROUND TRIP TICKET AT AMTRAK TERMINAL WITH AMEX CARD THAT MORNING ABOUT 5 AM !!! <ref> <https://philadelphia.cbslocal.com/2015/05/12/crws-responder-to-reported-train-derailment-in-park-richmond/> </ref> NO LAWYER WILL REPRESENT ME SO ALL CASES ARE PRO SE FBI SCARES THEM ALL

Case 4:19-cr-00367-HB Document 91 Filed 03/04/20 Page 190 of 380

Clouds and sunshine. Highs in the 40s. Clear to partly cloudy to 40s. Clear to partly cloudy to 40s.

THE NEW YORK TIMES NEW YORK SATURDAY, DECEMBER 21, 2019

A23

## Billion Gap in Budget Crisis

did not explain why nobody noticed the deficit earlier — or rather, why they did not report it earlier.

In particular, experts have focused on \$1.7 billion in Medicaid payments that the state quietly deferred from the end of March to three days later, in April. As a result, those payments were pushed into the following year's budget — making it appear as if the state had stayed within its Medicaid budget for the year, when it had not.

"They would have seen that this was a problem, and they chose not to act," said David Friedfel, the director of state studies at the Citizens Budget Commission, a non-partisan fiscal watchdog.

State budget officials said delaying payments was a common book-balancing practice. In fact, they plan to do it again to offset next year's shortfall, by kicking as much as \$2.2 billion to future budgets.

They did not foresee the crisis sooner, they said, because the health Department did not tell them about Medicaid overspending until the last minute of budget talks.

Freeman Klopott, a spokesman for the budget division, defended the state's fiscal stewardship, noting that the rate of overall Medicaid spending had grown at less than half the national average during Mr. Cuomo's tenure. (Even New York's cost per person enrolled in Medicaid is 50 percent lower than the national average, Friedfel said.)

"We are developing a plan to be reduced in January that will again limit New York State's Medicaid spending growth and continue high quality care for six million New Yorkers without raising taxes to cover the cost," Mr. Klopott said in a statement.

But some have wondered whether Mr. Cuomo's political instincts played a role in the fiscal maneuvers.

In 2018, as the governor was ed in a heated primary campaign with his own left-flank challenger, his campaign asked the powerful Greater New York Hos-

### Gov. Andrew M. Cuomo Medicaid reimbursemen

pital Association to donate State Democratic Party, was backing him.

The association complied more than \$1 million in contributions — twice as much as given to any campaign in a decade. Soon after, the state authorized an across-the-board increase to Medicaid reimbursement rates — its first since 2010 and a key demand of health groups, including the hospital association's donors.

Mr. Cuomo's office has any link between the reimbursement increase and political governor's budget. Robert Mujica, said the increase was linked to a one-time payment for the state from the sale of a insurance company, and the Legislature approved using part of money on costs related to health care, months before hospital association's donors.

"People are just trying to connect dots where there is no connection, in order to have a convenient narrative," Mr. Mujica said. Still, it is clear that politics be inextricable from next budget negotiations.

Early this month, Mr. H taunted a Republican assemblywoman on Twitter, accusing her of trying to turn the deficit into campaign fodder. The assemblywoman, Nicole Malliotakis, has criticized Mr. Heastie's call for taxes.

Mr. Heastie fired back, noting Ms. Malliotakis for a failure

## Charges in connection with an early-morning break-in at a Yeshiva University dorm.

tion is a serious crime and we have zero tolerance for acts of arson in this city," Daniel A. Nigro, the fire commissioner, said.

Mr. Weyand had not been arraigned by Friday night, according to a spokeswoman for the Manhattan district attorney's office. It was unclear whether he had a lawyer.

Coming less than two weeks after the deadly attack on a kosher market in Jersey City, N.J., the attack at Yeshiva — perhaps the most significant Modern Orthodox Jewish institution of higher education in the United States — raised the specter of another anti-Semitic hate crime.

But none of the charges against Mr. Weyand, 33, involve accusations of bias, and fire officials said that there was no evidence he had targeted the Yeshiva because of the religion of the students who lived there.

"There is no indication of a hate crime," Deputy Commissioner Frank Dwyer said.

The authorities believe Mr. Weyand, whose LinkedIn profile lists him as a freelance software engineer, was under the influence of drugs at the time of the episode, said a law enforcement official familiar with the case who spoke on the condition of anonymity because the investigation is continuing.

An emailed request for comment sent to the university was not immediately returned.

In the wake of the Jersey City attack, which officials have said was carried out by two assailants driven by anti-Semitism who killed two Jewish people in their rampage, officials in New York and the surrounding area have taken steps to increase security near synagogues and other Jewish establishments.

## No Evidence Of Hatred In Fires Set, Officials Say

By ED SHANAHAN

The video, recorded shortly before 4 a.m. Friday, shows a man outside a building lobby. He kicks the bottom pane of a glass entry door, violently several times, smashing it but not breaking through.

He walks away, then returns and kicks the door several more times until he is able to push through the pane and crawl into the lobby on his hands and knees. He stands up, picks up and puts back the receiver of a phone on a desk. After that, he disappears down a hall.

What the man did after he exited the range of the camera, on the first floor of a Yeshiva University dormitory on East 29th Street in Manhattan, was use matches meant for lighting a Hanukkah menorah to set three small fires in the building where students were sleeping, fire officials said.

No one was hurt by the fires, which were quickly extinguished, and a suspect, Peter Weyand, was arrested on charges that included arson, burglary with criminal intent and aggravated harassment, fire officials said.

"Attacking any religious institu-

## Charges in connection with an early-morning break-in at a Yeshiva University dorm.

tion is a serious crime and we have zero tolerance for acts of arson in this city," Daniel A. Nigro, the fire commissioner, said.

Mr. Weyand had not been arraigned by Friday night, according to a spokeswoman for the Manhattan district attorney's office. It was unclear whether he

**MILLERSVILLE, Pa.** — A Lancaster County man has been arrested in Hawaii and is charged with vandalizing a Beverly Hills, California synagogue.

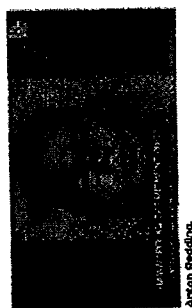
Police say Anton Redding, 24, of Millersville, was caught on a surveillance camera vandalizing the Messiah Synagogue on Saturday.

"I said we would catch this guy and we did," said Beverly Hills Mayor John Minisch in a prepared statement. "The criminal who we believe desecrated a holy place on Shabbat is now in custody thanks to the superb work of the Beverly Hills Police Department."

Bedding is charged with the following:

**-Vandalism of a religious property**

**Commercial burglary**



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Case 5:19-cv-00834-JLS Document 107 Filed 12/10/19 Page 30 of 40

Report and Recommendation

SEPTA FY 2020  
ANNUAL SERVICE PLAN

Eugene N. Cipriani  
Hearing Examiner  
June 10, 2019



Community Benefit Score with such a mapping will prevent the implementation of duplicative services and affect a more efficient use of resources. To be considered a candidate for implementation, such proposals should indicate steps to opportunities for SEPTA customers.

SEPTA is proposing to adopt a Route Directness Formula to reduce route duplications and patterns. The calculation, which determines the impact that a pattern or deviation has on through-riding customers, is adopted from single-turnstile used by other transit agencies, including King County Metro in Seattle, Washington and the Regional Transportation District in Denver, Colorado.

The Route Directness Formula quantifies the impact on through-riding customers by multiplying the number of riders traveling through a pattern or deviation by the amount of time, in minutes, that deviation takes. It divides that number by the number of boards and alights along the pattern or deviation to determine the number of passenger minutes that deviation or pattern costs. Service planning recommendations including a threshold of eight passenger minutes for a deviation or pattern to be recommended for implementation. Existing deviations or patterns that do not meet the eight-minute threshold will be identified as candidates for possible intervention.

To clarify how this calculation works, this is an example of a deviation implementation on Route 42 a decade ago to Park West Town Center. Based on recent rider-ride weekly passenger counts, there are approximately 2,100 passengers traveling through this deviation on a daily basis. The deviation to the shopping center takes two minutes. There are 2,000 boards and alights within the deviation. This results in the deviation costing for 6.2 passenger minutes, which would be under SEPTA's threshold and therefore an acceptable deviation.

The final recommended change is an expansion of the Service Development process. The expanded process will include an additional round of public outreach focused on major transit centers of other appropriate venues. This outreach will include surveys and educational materials, and provide customers with the opportunity to interact with SEPTA Service Planning staff. The inclusion of these events will remain essential. In addition to a greater focus on public outreach, the new Service Development Process will formalize the participation of other SEPTA departments and external partners.

Information about the revisions to SEPTA's Service Standards and Process are on <https://www.septa.org/about-us/press-releases>.

### Public Testimony

Fourteen (14) members of the public entered appearances before and six (6) spoke into hearings and had questions which were answered by SEPTA representatives. In addition, there were four (4) email submitted by the public to the Hearing Examiner.

Philadelphia, PA Residents - March, May 23, 2019

Jeffrey Eubank, a former tax collector within Pennsylvania, was first to testify. He commented on money-raising proposed called "Jefferson" as a way to provide almost collected from money for SEPTA, transit systems, and other organizations by having people pay extra tax-by contract--instead of the State and get back everything else as tax-free municipal income. He asserted it as a way to "generate billions of dollars for free with no liability", N.T. 21. With this money, SEPTA could eliminate the entire

-8-

Market/Frankford Elevated System with tunnels from 63rd Street to 42nd Street and in Kensington. Also, this money could fund a trackless trolley that could go on railway tracks. He further described this vehicle as "a bus that could be a trackless trolley" ... saving SEPTA "significant amounts of money". N.T. 23.

Ramona McGee also spoke out. She wanted to discuss the Route 48 and the recovery location. He was informed that the recovery location preferred was closer to the waterfront but because SEPTA could not get permission to go to Front Street, the recovery location is on 2nd Street. N.T. 23-25. Mr. McGee was assured that SEPTA is always open to suggestions. N.T. 26.

Douglas D'Amico, President and Founder of the Tri-State Transit Center, a Historical and Transit Advocacy Group for the Philadelphia Metropolitan Area and the Tri-State Transportation Council, the Philadelphia Transit Service Feedback, came next. He stated that the words "frequent service corridor" be replaced with the words "frequent service corridor" because SEPTA has corridors where bus routes do not meet the frequent service standards of running every 15 minutes, but sometimes with other routes, that corridor meet that standard. N.T. 27. He cited the example of the bus route running on West Chester Pike - the Routes 104, 117, 123, and 130. Putting these routes together, that creates a frequent service corridor standard for every 16 minutes between 69th Street and Market. N.T. 27-28. Further, if you "avoided the Route 122 to leave [West Chester Transportation Center] at 20 [East 4th Street] and 50 [East 10th Street], then you will have 15-minute frequency all day long from 63rd Street out to Broad and meet qualifications for a frequent service corridor. N.T. 28.

The Media/Station Hill [building] already meets the frequent service corridor standards, between 59th Street and Broad [103] building.

SEPTA could still use the word "frequent", like Route 47 corridor, Route 52 corridor. N.T. 28.

Mr. D'Amico also proposed a change in "frequent service" which would be "every 30 minutes or less within the City Limits Area" and 15 minutes for suburban bus routes. N.T. 28.

Mr. D'Amico called for improvements in the Route 220 service and not to implement a summer schedule. He suggested major development with a new hotel at Lawrence Road and a new Giant supermarket will result in additional riders, especially for workers. He suggested that the Route 124 be put back on the 63rd Route 112 running to the hotel, the Giant and the medical center [Brynarrell-Krydon Medical Center - the Empire Cancer Medical Research Institute, PH], then further "Cross KeyStone", be served by a bus route. N.T. 29-31. The SEPTA staff addressed Mr. D'Amico's concerns about the West Chester Pike by a bus route. N.T. 29-31. The SEPTA staff addressed Mr. D'Amico's concerns about the West Chester Pike by a bus route and that a brochure will be prepared to reflect service on West Chester Pike. Further, regarding to Cross KeyStone has been "very poor" and SEPTA met with Cross KeyStone management to ask them to do some additional negotiating with their client base. Also, SEPTA is working with the Delaware County TMA (Transportation Management Association) which is planning on doing some outreach events at Cross KeyStone. Until SEPTA can an additional relationship partnership act of these efforts, from a fiscal standpoint, it is difficult for SEPTA to look at adding additional service. N.T. 31-33.

Finally, the developer of the new shopping center will be consulting on the operation of the Blue Route and there are issues with access into that property. SEPTA cannot incorporate through-riders on West Chester Pike by going into the shopping center. So, SEPTA is looking to see if there is a way to have access from West Chester Pike in a safe manner. Maybe a sidewalk and a weekend. A sidewalk needed to address pedestrian access in the whole area because of the current time it is very poor. Also, you cannot get into the new shopping center and Cross KeyStone from one direction because of the way the road

-9-

Case 5:19-cv-00834-JLS Document 176-1 Filed 12/23/19 Page 45 of 48

REFRINT  
PAGE

Continuity Benefit Score with isochrone mapping will prevent the implementation of duplicative services and affects a more efficient use of resources. To be considered a candidate for implementation, route proposals should increase access to 9000/minute for SEPTA customers.

SEPTA is proposing to adopt a Route Directness Formula to evaluate route deviations and patterns. This calculation, which determines the impact that a pattern or deviation has on through-riding customers, is selected from similar formulas used by other transit agencies, including King County Metro in Seattle, Washington and the Regional Transportation District in Denver, Colorado.

The Route Directness Formula quantifies the impact on through-riding customers by multiplying the number of riders traveling through a pattern or deviation by the amount of time, in minutes, that deviation takes. It divides that number by the number of boards and alights along the pattern or deviation to determine the number of passenger minutes that deviation or pattern costs. Service Planning recommends adopting a threshold of eight passenger minutes for a deviation or pattern to be recommended for implementation. Existing deviations or patterns that do not meet the eight minute threshold will be identified as candidates for possible intervention.

To clarify how this calculation works, this is an example of a deviation implemented on Route 52 a decade ago to Park West Town Center. Based on recent ridership weekday passenger counts, (there are approximately 3,300 passengers traveling through this deviation on a daily basis, the deviation to the shopping center takes two minutes. There are 2,000 boards and alights within this deviation. This results in the deviation costing for 6.2 passenger minutes, which would be under SEPTA's threshold and therefore an acceptable deviation.

The final recommended change is an expansion of the Service Development process. The updated process will include an additional round of public outreach focused on major transit centers or other appropriate venues. This outreach will include website and educational materials, and provide customers with the opportunity to interact with SEPTA Service Planning staff. The location of these events will rotate annually. In addition to a greater focus on public outreach, the new Service Development Process will formalize the participation of other SEPTA departments and external partners.

Information about the revisions to SEPTA's Service Standards and Process are on <https://www.septa.org/updates/standards>.

### Public Testimony

Fourteen (14) members of the public entered appearance forms and six (6) spoke at the hearings and had questions which were answered by SEPTA representatives. In addition, there were four (4) e-mails submitted by the public to the Hearing Examiner.

Philadelphia, PA: January - March 20, 2019

Jeffrey Cubber, a farmer (an collector within Pennsylvania, was first to testify. He organized a money-raising proposal called "Jefferson" as a way to provide almost unlimited free money for SEPTA, school systems, and other organizations by having people pay extra tax - by contract - instead of the State tax and get back everything else as late fees municipal interest. He asserted it as a way to "generate billions of dollars for free with no liability". N.T. 22. With this money, SEPTA could outmaneuver the entire

Market-Fairfield Elevated system with tunnels from 65" street to 42" Street and in Kensington. Also, this money could fund a trolley system that could go on trolley tracks. He further described this vehicle as "a bus that could be a trackless trolley" - saving SEPTA "significant amounts of money". N.T. 23.

Brandon McBride spoke next. He wanted to discuss the Route 49 and the recovery location. He was informed that the recovery location preferred was closer to the waterfront but, because SEPTA could not get permission to go to Front Street, the recovery location is on 2nd Street. N.T. 23-28. Mr. McBride was assured that SEPTA is always open to suggestions. N.T. 26.

Douglas Dault, President and Founder of the Tri-State Transit Center, a Historical and Transit Advocacy Group for the Philadelphia Metropolitan area and Facebook Administrator on the Metropolitan Philadelphia Transit Score Facebook, came next. He asked that the words "frequent service route" be replaced with the words "frequent service corridor" because SEPTA has corridors where bus routes do not meet the frequent service standards of running every 15 minutes, but combined with other routes, that corridor meets the standards. N.T. 27. He cited the example of the bus route on West Chester Pike - the Routes 104, 112, 123, 125 and 120. Putting those routes together, that meets a frequent service corridor standard for every 10 minutes between 69th Street and Marcus. N.T. 29-32. Further, if you "bumped" the Route 112 to leave [near] Street Transportation Center] at 20 [past the hour] and 50 [past the hour], then you will have 15-minute frequency all day long from 69th Street out to Broad and meet qualifications for a frequent service corridor. N.T. 32.

The Media/Shopping Mall [proposal] already meets the frequent service corridor standards between 69th Street and Broad and Hill Junction.

SEPTA would still use the word "route". The Route 47 corridor, Route 52 corridor. N.T. 33.

Mr. Dault also proposed a change in "frequent service" which would be "every 30 minutes or less within the City limits itself" and 15 minutes for suburban bus routes. N.T. 33.

Mr. Dault asked for improvements in the Route 120 service and not to implement a summer schedule. He suggests major development with a new hotel at Lawrence Road and a new Elmer [supermarket] will result in additional riders, especially for workers. He suggests that the Route 120 be put back on the old Route 112 routing to the hotel, the Giant and the medical center [Brookhill Keystone Mercy - the Keystone Center Medical Building in Broadview, PA]. Hereafter "Crestor Keystone", he served by a bus route. N.T. 30-31. The SEPTA staff addressed Mr. Dault's concerns about the West Chester Pike summer schedule and that a brochure will be prepared to collect service on West Chester Pike. Further, ridership to Crestor Keystone has been "very poor" and SEPTA met with Crestor Keystone management to ask them to do some additional marketing with their client base. Also, SEPTA is working with the Delaware County TMA [Transportation Management Association] which is planning on doing some outreach events at Crestor Keystone. That SEPTA can use additional ridership generated out of these efforts, from a fixed standpoint, it is difficult for SEPTA to look at adding additional service. N.T. 31-33.

Finally, the developer of the new shopping center will be connecting on the other side of the Blue Route and there are issues with access into that property. SEPTA cannot inconvenience through riders on West Chester Pike by going into the shopping center. So, SEPTA is looking to see if there is a way to have access from West Chester Pike in a safe manner. Maple Township and Haverford Township need to address pedestrian access in the whole area because at the current time, it is very poor. Also, you cannot get into the new shopping center and Crestor Keystone from one direction because of the way the road

Mr. Carter asked SEPTA to provide a means where OVI messages could be sent to Redout where the next bus or train system vehicle is going to be and he was informed by the SEPTA staff of the SEPTA "app" for "smart phones" giving that same information. N.T. 50-57:58.

Mr. Carter asked by saying that SEPTA does not have the ability to experiment because, without extra money, it has to discontinue every marketing decision. N.T. 57.

Those who witness appearance forces at the Union Philadelphia hearing but who did not testify include Charles Kraviec, Portia Ellis Dinkels, Office of Transportation, Infrastructure and Sustainability (OTIS) of the City of Philadelphia, and Lee Mail, SEPTA Citizens Advisory Committee.

Philadelphia, PA (Hearing - 5:00 P.M. May 25, 2019)

No one from the public chose to testify. Only Thomas Huchings from the Delaware County Planning Department entered his appearance form.

### Route Performance Analysis

As a part of the Annual Service Plan, a detailed analysis of all routes is performed to determine various operating characteristics. The following routes fall below the acceptable operating ratio levels and will be considered for future modifications in an attempt to raise their operating ratios.

#### City Transit Division (Routes at or below 15%)

<u>Route</u>	<u>Operating Ratio</u>
38	17%
68	17%
1	17%
51	17%
80	16%
Southeast Coast	16%
62	17%

(Routes with software characteristics below 10%)

<u>Route</u>	<u>Operating Ratio</u>
27	25%
35	25%

On average crossing such as Raccoon Boulevard, it makes sense to have a rest stop and a service bus. In general, stops should be near side. He specifically opined that the Route 328 does not make a for side-by-side stop on the Chester Pike because of the stopping center and then goes a block to make a right-hand turn on to Grandin Road. He suggests that SEPTA bus operators can get across two lanes of traffic to make this maneuver. N.T. 68.

Quality of service was not addressed. The mean of service should not be from the start of the morning to the end of the night when Philadelphia is a major city. N.T. 69-70.

Service is not covered on certain routes on Saturdays and Sundays and proposes that is because "that's the way we've always done it". N.T. 70.

Frequency of service should be 30 minutes - the maximum wait for a vehicle. Perhaps 30 minutes in the suburbs but nothing beyond that. Headways of 30 minutes "are rather stiff". N.T. 71.

Used buses as a warning. You should not be having people stand on the vehicle, especially for long periods of time, off peak. It's acceptable for peak hours, for short times. N.T. 72.

Federal Transit Administration Title VI requirements were never discussed. SEPTA should have a listing of minority bus income routes. N.T. 76.

Mr. Achtert wanted to know why a public hearing is not required for limited service routes and when for the definition of "limited service routes". He suggested that the Route 51, which takes individuals from the Meritmain Transportation Center to Grandford Prison - three times a week - is an example of a very limited service route. N.T. 50-51.

Mr. Achtert asked that fare books for the Key System be at all stops in addition to the rail stations and high speed stations. N.T. 51.

Regarding the Automatic Passenger Count, Mr. Achtert wanted to know how SEPTA counts passengers who have ridden the vehicle an overcrowded route. He suggested counts on overcrowded routes may be acceptable. N.T. 51-52.

"Our" route (all right service) were the next focus. He observed that Route 72 is an Owl route. It is very short on performance standards with a 24% operating ratio, carrying 2,327 passengers on a daily basis. Twenty-nine Owl routes on the list have at least an equal operating ratio. But they do not have Owl service. He called for the restoration of additional Owl service on other routes. N.T. 52-53.

Finally, Mr. Achtert did not see the Northampton High Speed Line, the Market-Frankford Elevated or the Broad Street Subway on the Route Performance Evaluation Report. He was informed that the Northampton High Speed Line is on page 17 of that report. N.T. 54-55.

Jeffrey Carter came back to the podium. He asked that "this all comes down to money and essentially service has been cut because of money". N.T. 56.



Case 4:19-cv-00834 Document 1-1 Filed 03/04/20 Page 1 of 2  
Case 5:19-cv-00834 Document 1-1 Filed 03/04/20 Page 1 of 2

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY CUTLER

Plaintiff

v.

NANCY PELOSI IN HER OFFICIAL  
CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES

CITIZENS BANK,  
FULTON BANK,

WIKIPEDIA FOUNDATION,  
VERIZON CORPORATION,  
GOOGLE CORPORATION,

ERIE INSURANCE,  
STATE FARM INSURANCE,  
LEMBERG LAW LLC,

FORD MOTOR COMPANY,

MANHEIM SCHOOL DISTRICT,

HAVERFORD POLICE

DEPARTMENT,

PHILADELPHIA NEWSPAPERS INC,

ASSOCIATED PRESS,

U.S. NEWS AND WORLD REPORTS,

BEND BULLETIN NEWSPAPER,

And

JOHN DOES and JANE DOES,

Defendants

CASE NO. 5:19-cv-00834

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

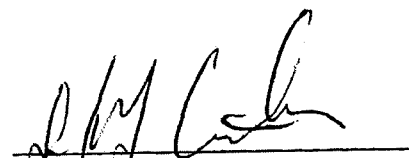
Case 4:18-cv-00167-0 Document 116 Filed 12/23/19 Page 8 of 48  
Case 5:19-cv-00834-ULS Document 116 Filed 12/23/19 Page 48 of 49

## CERTIFICATE OF SERVICE

I Jeffrey Cutler, do hereby certify that I as of this day I have caused and correctly served a copy of MOTION TO HAVE CHANGE IN VENUE FOR CASE 4:18-cv-00167-0 FROM STATE OF TEXAS TO PENNSYLVANIA AND RESPONSE TO ECF 115 dated 12/23/2019, to Defendants that are part of the cm/ecf system and have made a notice of appearance as well as those addressed and specified below via first class mail and all other previously served Defendants, and all parties in case 2:19-cv-03149, both of which are both part of the cm/ecf system.



IN HIS OFFICIAL CAPACITY	High Companies	East Lampeter Township
PA STATE REPRESENTATIVE	Michael Shirk, CEO	Blackinger Thomas, PC
Brian K. Sims	1853 William Penn Wasy	Susan Peipher
1015 Chestnut Street, Suite 1101	Lancaster, PA 17601	28 Penn Square
Philadelphia, PA 19107		Lancaster, PA 17603

Date: 23 DEC 2019

  
Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

Case 4:18-cv-00167-O Document 269 Filed 12/30/19 Page 81 of 82 PageID 3281

UNITED STATES MARINE CORPS  
501 W 105T # 310  
FORT WORTH, TX 76102

<b>F</b>		U.S. POSTAGE
		\$1.15
		FCH LG ENV
		19083
		Date of sale
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844591228072355		
<b>USPS FIRST-CLASS MAIL®</b>		
1.20 oz		
SHIP TO: <i>Jeffrey Carter</i>		
PO BOX 2806		
YORK PA 17405-2806		
		
(420) 17405		
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EP14F Oct 2018  
OD: 12 1/2 x 9 1/2

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To schedule free  
Package Pickup,  
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FROM: *Jeffrey Cohen*  
*P.O. Box 2806*  
*York, PA 17405*

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U.S. POSTAGE  
\$7.35  
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19063 0006  
Date of sale  
12/28/19  
06 25 95  
11487581

**PRIORITY MAIL 2-DAY<sup>®</sup>**

EXPECTED DELIVERY DAY: 12/31/19

0006

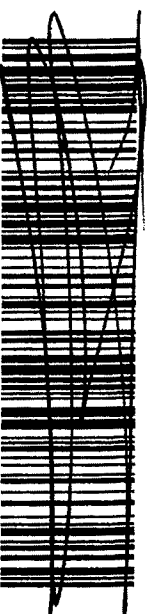
*UNITED STATES DISTRICT COURT*  
*WTRN CLERK OF COURT*

SHIP TO: *KARREN WHITEHILL*

C024

501 W 10TH ST  
STE 310  
FORT WORTH TX 76102-3641

USPS TRACKING<sup>®</sup> NUMBER



9505 5066 2091 9362 0936 75

**SUMMARY OF CIVIL RIGHTS VIOLATIONS**

1. The limitation of an elected official to petition the Government for redress of grievances” violates the U.S. Constitution amendment 1.
2. The ability of the United States Government to collect or access penalties FOR FAILURE to comply with established tenets or teachings of such sect or division of ANY religion is in violation of the U.S. Constitution amendment 1
3. Warrantless search or seizure before an individual has been convicted of any crime, is in violation of the U.S. Constitution amendment 4.
4. The prevention of equal treatment in federal court is in violation of the U.S. Constitution amendment 5.
5. The prevention of the right to a jury trial is in violation of the U.S. Constitution amendment 6.
6. The prevention of the ability to call witnesses is in violation of the U.S. Constitution amendment 6.
7. The prevention of a jury trial in a civil matter exceeding a \$ 20.00 fine is in violation of the U.S. Constitution amendment 7.
8. The prevention of equal treatment in state court is in violation of the U.S. Constitution amendment 14.
9. The requirement to have an armed escort in public building of Lancaster County violates equal treatment of the U.S. Constitution amendment 14.
10. The prevention of an elected official of Lancaster County access to the DEVNET system violates equal treatment of the U.S. Constitution amendment 14.

IMPORTANT EXHIBITS OF CASES FOLLOW

Case 2:17-cv-00984-TON Document 37 Filed 06/15/17 Page 16 of 63

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Case 2:17-cv-00984-TON Document 37 Filed 06/15/17 Page 16 of 63

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Case 2:17-cv-00984-TON Document 46 Filed 08/04/17 Page 12 of 17 <sup>CI-16-09640</sup>  
Case 2:17-cv-00984-TON Document 44 Filed 07/17/17 Page 8 of 12  
Case 2:17-cr-00137-PD Document 131 Filed 06/29/17 Page 20 of 40  
Case 2:17-cr-00137-PD Document 106 Filed 06/21/17 Page 16 of 80  
Case 2:17-cv-00984-TON Document 35 Filed 06/01/17 Page 24 of 60  
Case 2:17-cv-00984-TON Document 32-2 Filed 05/11/17 Page 59 of 59

VERIFICATION

I verify that the statements made above are true and correct to the best of my knowledge,  
information and belief and I understand that the statements are made subject to the penalties of 18  
Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date March 7, 2017

Brian K. Hunter  
Brian K. Hunter

**PERJURY**

**PERJURY**

**PERJURY**

2:17-cv-00984-601 Page 23 of 60

2:17-cr-00137 JUNE 21 Page 16 of 80

2:17-cr-00137 JUNE 29 Page 19 of 41

17JULY2017-REV1 Page 8 of 10

4AUGUST017-REV1 Page 12 of 16

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

COUNTY OF LANCASTER

Plaintiff

v.

JEFFREY CUTLER and TRAVELERS  
CASUALTY AND SURETY COMPANY  
OF AMERICA

Defendants

17-01164

Docket No.:

PROTHONOTARY'S OFFICE  
LANCASTER, PA

17 FEB 15 PM 3:28

ENTERED AND FILED

CERTIFICATION OF LIABILITY AND PERJURY FOR ENTRY OF JUDGMENT

The undersigned, Dennis P. Stuckey, Chairman of the Lancaster County Board of Commissioners, in accordance with the provisions of the Local Tax Collection Law, 72 P.S. § 5511.41, does hereby certify the amount due and owing to the County by Jeffrey Cutler, Tax Collector, and Travelers Casualty and Surety Company of America, for tax years 2014 and 2015, including interest at a rate of six percent (6%) per annum, to be the amount of Forty Thousand and Four Hundred and Eleven Dollars and Sixty-Four Cents (\$40,411.64), plus interest at the legal rate from January 1, 2017 until date of payment. Said Certification is based upon the failure of Jeffrey Cutler, Tax Collector, to make timely submission of taxes in accordance with the attached calculations made by the Lancaster County Controller.

The County does hereby certify the same to the Prothonotary of Lancaster County to enter judgment on the dockets of her office.

LANCASTER COUNTY  
BOARD OF COMMISSIONERS

Date:

February 15, 2017

Dennis P. Stuckey, Chairman

AND NOW, this 15 day of Feb., 2017, judgment is entered as above-directed.

PROTHONOTARY

BLAKINGER THOMAS, PC  
By: Susan P. Peipher, Esquire  
Attorney I.D. #87580  
(717) 509-7239  
E-mail: [spp@blakingerthomas.com](mailto:spp@blakingerthomas.com)  
28 Penn Square  
Lancaster, PA 17603  
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

EAST LAMPETER TOWNSHIP

Plaintiff

17-00568

Docket No.:

v.

JEFFREY CUTLER and TRAVELERS  
CASUALTY AND SURETY COMPANY  
OF AMERICA

Defendants

**CERTIFICATION OF LIABILITY AND RECEIPE FOR ENTRY OF JUDGMENT**

The undersigned, David Buckwalter, Chairman of the Board of Supervisors of East Lampeter Township, in accordance with the provisions of the Local Tax Collection Law, 72 P.S. §5511.41, does hereby certify the amount due and owing to East Lampeter Township by Jeffrey Cutler, Tax Collector, and Travelers Casualty and Surety Company of America, for tax years 2014 and 2015, to be the amount of \$15,897.19. Said Certification is based upon the failure of Jeffrey Cutler, Tax Collector, to make timely submission of taxes in accordance with the attached calculations made by the Lancaster County Controller.

The Township does hereby certify the same to the Prothonotary of Lancaster County to enter judgment on the dockets of her office.

EAST LAMPETER TOWNSHIP  
BOARD OF SUPERVISORS

Date: 1/21/17

By: [Signature]  
David Buckwalter, Chairman

AND NOW, this 26<sup>th</sup> day of January, 2017, judgment is entered as above directed.

[Signature]  
PROTHONOTARY

**VERIFICATION**

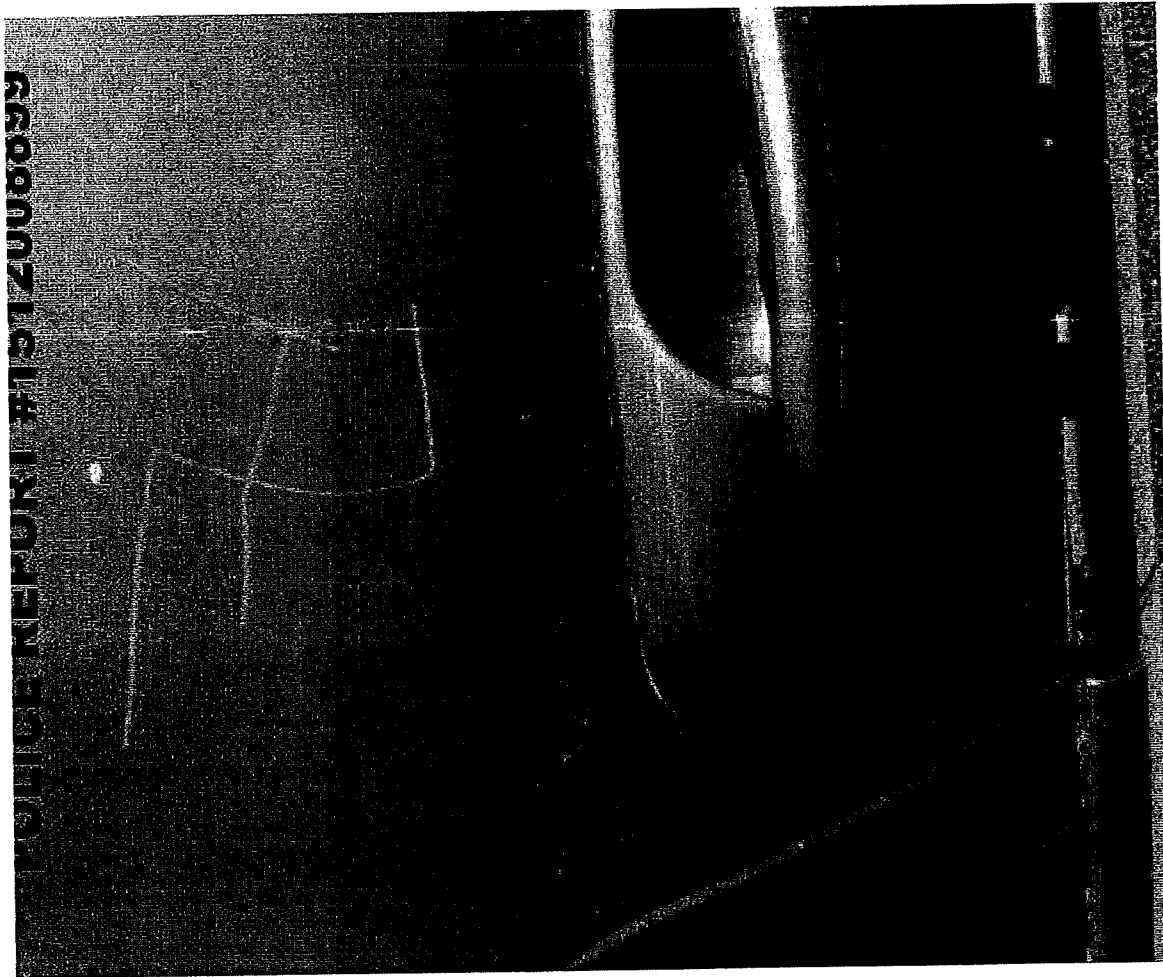
I, Ralph M. Hutchison, verify that I am the Township Manager of EAST LAMPETER TOWNSHIP, and as such, I am authorized to make this Verification on its behalf, and I verify that the statements made in the foregoing Petition for Preliminary Injunction and Writ of Mandamus are true and correct to the best of my knowledge, information and belief. This Verification is subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Dated: 12/8/15

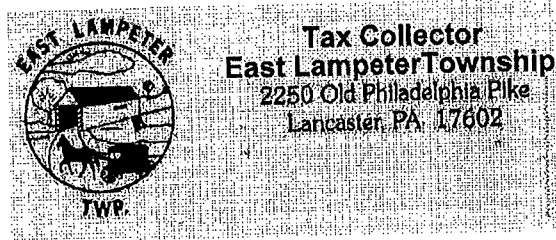
EAST LAMPETER TOWNSHIP  
By: [Signature]  
Ralph M. Hutchison, Township Manager

**PERJURY**

**PERJURY**



(215) 872-5715  
(717) 854-4718



October 4, 2017  
LANCASTER COUNTY DISTRICT ATTORNEYS OFFICE.  
50 N. Duke Street  
5TH Floor  
Lancaster, PA. 17608

**Re: ILLEGAL EVICTION AND OBSTRUCTION OF JUSTICE**

To All;

This is to notify you of the illegal eviction of Jeffrey Cutler, on October 2, 2017. This eviction occurred with the conspiracy of High Inc, East Lampeter public officials, the police department and judges. The purpose of the eviction even though 100% of the balance has been paid of the demanded amount of \$ 6702.00 (which was fraud), was to destroy evidence of prior felonies by these organizations. It also obstructs Mr. Cutler's ability to get mail (a federal felony) in a timely manner and obstructs the legal process. It also obstructs Mr. Cutler from paying October's rent. Mr. Cutler was evicted with the clothes on his back and no way to get anything else unless everything is removed at once. At the present time the destruction of evidence should be noted, that this may involve the murder of Jonathan Luna, and the entire location should be considered a crime scene. Case 17-2709 USCA was appealed on 03OCT2017. The letter from Tina McGinnis states that Mr. Cutler will be prosecuted if he enters the property, which is open to the public. Mr. Cutler has documented 190,000 counts of Mail Fraud and 2 counts of Insurance fraud. False verifications were signed by Brian Hurter, Ralph Hutchinson, David Buckwalter, and Dennis Stuckey. My current estimate of the cost of the fraudulent eviction to date is Fifty Million Dollars. The estimate of the cost after the destruction of evidence and property is 1.2 billion dollars.

My mailing address is

Jeffrey Cutler  
P.O. Box 2806  
York, PA 17405

Sincerely,

Jeffrey Cutler  
Tax Collector East Lampeter Township, Pennsylvania





In The  
**United States Court of Appeals**  
**for the Fifth Circuit**

**19-10011**

JEFFREY CUTLER  
Intervenor Paintiff-Appellee

STATE OF TEXAS, et al.  
Paintiff-Appellees

v.

UNITED STATES OF AMERICA, et al.  
Defendants-Appellants

STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants

NANCY PELOSI  
Intervenor Defendants-Appellant

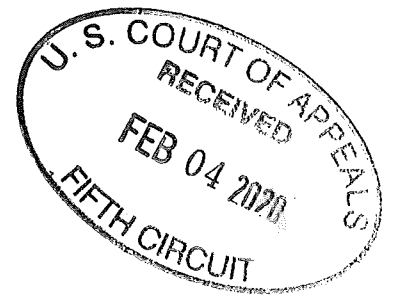
*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

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**PETITION FOR ENBANC HEARING AND TO TRANSFER  
RESIDUAL CASE TO PENNSYLVANIA AND COMBINE  
WITH CASE 5:19-cv-00834 - Volume I (Pages 1-120)**

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JEFFREY CUTLER  
P.O. Box 2806  
York, PA 17405  
(215) 872-5715  
*Pro Se Appellee*



In The  
United States Court of Appeals  
for the Fifth Circuit

19-10011

JEFFREY CUTLER  
Intervenor Paintiff-Appellee

STATE OF TEXAS, et al.  
Paintiff-Appellees

v.

UNITED STATES OF AMERICA, et al.  
Defendants-Appellants

STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants

NANCY PELOSI  
Intervenor Defendants-Appellant

*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

**PETITION FOR ENBANC HEARING AND TO TRANSFER  
RESIDUAL CASE TO PENNSYLVANIA AND COMBINE WITH  
CASE 5:19-cv-00834**

ORAL ARGUMENTS REQUESTED

Notice is hereby given Jeffrey Cutler, Plaintiff Intervenor in district court case number 4:18-cv-00167-0 hereby appeals to the United States Court of Appeals for the Fifth Circuit the Order from the United States Northern District of Texas dated January 16, 2020 denying Plaintiff's MOTION FOR RECONSIDERATION OF MOTION TO CHANGE VENUE FOR CASE 4:18-cv-00167-0 FROM STATE OF TEXAS TO PENNSYLVANIA AND COMBINE CASE WITH 5:19-cv-00834 , and the motion denying Plaintiff's motion of December 30, 2019. The current order is in error since the USCA order of December 18, 2019, remanded the case back to District Court and for further disposition and was unopposed and is still unopposed. Mr. Cutler had previously filed a document by MAIL on March 1, 2019 but it was illegally discarded. He then filed on 07MAR2019 in person (Document 00514863727) , and it was put online March 7, 2019. The office of the clerk decided it would be ignored. Mr. Cutler filed a NOTICE OF APPEAL on 27JAN2020, (Document 00515289904 International Holocaust Remembrance Day), and it was only put online when Mr. Cutler informed the Deputy Clerk (Mary Francis Yeager) that she was violating Mr. Cutler's civil rights. It was put online January 29, 2020. A violation of EQUAL PROTECTION by employees of the federal government, which treated the two documents differently and potentially hid the document from the review of the judges considering an ENBANC review. It violates the United States Constitution Ammend 1 and 5. It also also violates Mr. Cutler's

rights under the Sixth Amendment of the Constitution. Based on *Elouise Pepion Corbel et al. v. Gale v. Norton, et al.* (03-5262, 03-5314). Mr. Cutler requests the district court cases be consolidated in Pennsylvania and deliberations allowed on an expedited basis since they both involve related issues and the Supreme Court has indicated they will not consider the case this term. This court had allowed the House of Representatives to be an Intervenor. The petitioner, Jeffrey Cutler, acting pro se, respectfully previously identified that the speaker of the house of representatives, in her official capacity, as the speaker of the House of Representatives (and former resident of Baltimore, MD). This is the same city that Johnathan Luna on 03DEC2003 (a black federal employee) left his office at approximately 11 PM and was found dead the next morning in Lancaster County, Pennsylvania with 36 stab wounds, neck back and genitals, but the cause of death was drowning. Sean Suiter a Baltimore Police

office died from a suicide during a special arrest, 1 day before he was to testify. <https://www.youtube.com/watch?v=cLAldUHDwj8> <https://www.nbcnews.com/news/us-news/disgraced-baltimore-police-officer-says-detective-who-was-killed-testifying-n844831> <https://www.cnn.com/2018/08/29/us/baltimore-police-detective-sean-suiter-suicide/index.html>

Nancy Pelosi made a false statement in court via her lawyer (Mr Donald B. Verilli Jr.) stated "[N]o one would be hurt and the greater justice would be attained" and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime. During a speech at the National Association of Counties' annual Legislative Conference on 9 March 2010, in

Washington D.C. <ref><https://www.youtube.com/watch?v=QV7dDSgbaQ0> </ref> she stated “We have to pass the bill to find out what is in it”. The petitioner “found out what was in it” and filed a Pro se lawsuit 31DEC2013 in Wasington, DC case 1:13-cv-2066. He also via lawyers hired had previously filed a Writ of Certiorari for the Supreme Court of the United States (15-632) and inserted that same writ in United States Court of Appeals case 17-2709, page 314A, via district court case number 2:17-cv-00984 page 10. Since the individual mandate of the Affordable Care Act is now null and void based on the rulling of the USCA and the other provisons of the bill should also be eliminated to preserve the constitution.

Pursuant to Title 18, United States Code § 4, Plaintiff, Jeffrey Cutler, notifies the court of possible ongoing criminal activity directly involved with his civil rights action ( No. 5:19-cv-00834 ) and requests the court to notify the Prosecutor's Office immediately, and any other criminal justice authorities the court deems necessary, to effect and insure the prompt investigation and prosecution of crimes involved with this case which includes mail Fraud (18 U.S. Code § 1341), the murder of a federal employee (18 U.S. Code § 1114), and Title 18, Section 871.

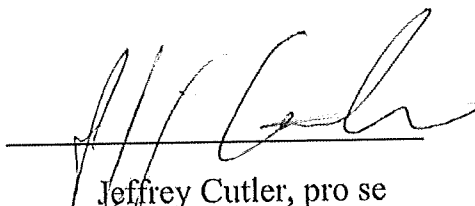
The courts have affirmed, it must “afford a liberal reading to a complaint filed by a pro se plaintiff,” particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) (“A document filed pro se is to be liberally construed, and a pro se complaint,

however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted).

**WHEREFORE**, for all the foregoing reasons, petitioner respectfully requests that this Court declare and establish that the document (Document 00515289904) was a valid NOTICE OF APPEAL with a date of 27JAN2020. This court should also declare the entire Affordable Care Act (Obamacare) law and the law signed in 1942 as Executive Order 9066 by Franklin Roseveldt **UNCONSTITUTIONAL**, during an immediate **ENBANC** review of this case when combined with the writ from case **15-632** and grant a transfer of the rest of this district court case and let a jury determine the penalties for each party.

Respectfully submitted,

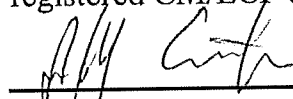
DATE: 03 Jan 2020

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

**CERTIFICATE OF SERVICE**

4

I hereby certify that on February 3, 2020, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit via United States Mail or in person. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that all of the other participants or their lawyers in this case are registered CM/ECF users.

  
\_\_\_\_\_  
Jeffrey Cutler

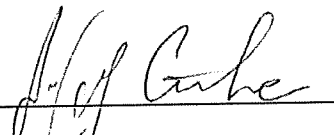
03 JAN 2020

**CERTIFICATION OF COMPLIANCE**

This brief complies with the type-volume limitations of Fed. R. AP. P. 35(b)(2) and Circuit Rule 40-1 because this brief contains no more than 15 pages, excluding the parts of the brief exempted by Fed. R. AP. P. 32.

Respectfully submitted,

DATE: 03 Jan 2020

  
\_\_\_\_\_  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405



## ADDENDUM

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

January 29, 2020

Ms. Jeffrey Cutler  
P.O. Box 2806  
York, PA 17405

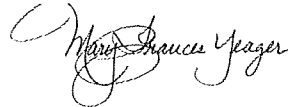
No. 19-10011 State of Texas, et al v. USA, et al  
USDC No. 4:18-CV-167

Dear Mr. Cutler,

We received your brief, addendum and motion to transfer case to Pennsylvania. Since you are not a party to this appeal, we are taking no action on the filing.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Mary Frances Yeager, Deputy Clerk  
504-310-7686

cc: Mr. Ryan Wolfe Allison  
Ms. Ginger Anders  
Mr. Peter J. Anthony  
Mr. A. Xavier Baker  
Mr. Benjamin Battles  
Mr. Matthew Joseph Berns  
Mr. Jack R. Bierig  
Mr. Nathanael Blake  
Mr. Kenneth Lee Blalack II  
Ms. Kathleen Boergers  
Mr. Wade Carr  
Mr. Z.W. Julius Chen  
Mr. Lawrence Crawford  
Mr. Stuart F. Delery  
Ms. Bridget DiBattista  
Mr. Nicholas M. DiCarlo  
Ms. Margaret Dotzel

Mr. John Allen Eidsmoe  
Mr. Nimrod Elias  
Mr. August E. Flentje  
Mr. Benjamin Michael Flowers  
Mr. Brian Rene Frazelle  
Mr. Matthew Hamilton Frederick  
Ms. Elaine Goldenberg  
Ms. Brianne Gorod  
Ms. Maame Gyamfi  
Mr. David J. Hacker  
Ms. Caitlin Joan Halligan  
Mrs. Fadwa A. Hammoud  
Mr. Brooks M. Hanner  
Mr. Kyle Douglas Hawkins  
Mr. Joshua L. Hedrick  
Mr. Matthew S. Hellman  
Mr. Robert E. Henneke  
Ms. Hyland Hunt  
Mr. Scott H. Ikeda  
Mr. Paige Jennings  
Ms. Michelle Shane Kallen  
Mr. John T. Kitchens  
Mr. Jeremy Kreisberg  
Ms. Maria Rose Lenz  
Mr. Douglas Neal Letter  
Mr. Sean Michael Marotta  
Ms. Catherine M. Masters  
Mr. Steven Travis Mayo  
Mr. Darren Lee McCarty  
Mr. Matthew Robert McGuire  
Mr. Raffi Melkonian  
Mr. Jonathan Meltzer  
Ms. Rachel Miller-Ziegler  
Mr. Robert Tadao Nakatsuji  
Mr. Eric Olson  
Mr. William Jeffrey Olson  
Ms. Neli N. Palma  
Mr. Joseph R. Palmore  
Ms. Beth Bivans Petronio  
Ms. Lanora Christine Pettit  
Mr. Ashwin Pradyumna Phatak  
Mr. Joseph Rubin  
Mr. Richard Salgado  
Mr. Jaime Santos  
Mr. Andrew Layton Schlafly  
Mr. William B. Schultz  
Mr. Jay A. Sekulow  
Mr. Pratik A. Shah  
Ms. Kristin Ann Shapiro  
Mr. Samuel Siegel  
Ms. Benna Ruth Solomon  
Ms. Marie Soueid  
Mr. Jeffrey T. Sprung  
Mrs. Heidi Parry Stern  
Mr. Todd Barry Tatelman  
Mr. Martin Vincent Totaro  
Ms. Jessica Elaine Underwood  
Ms. Lorraine Alofa Van Kirk  
Ms. Caroline Van Zile

Mr. Donald B. Verrilli Jr.  
Mr. Stephen B. Vogel  
Ms. Jessica Willey  
Mr. Daniel W. Wolff  
Ms. Elizabeth Bonnie Wydra  
Mr. David Meir Zions

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**TEXAS et al.,**

**Plaintiffs,**

**v.**

**UNITED STATES OF AMERICA et al.,**

**Defendants.**

§  
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**Civil Action No. 4:18-cv-00167-O**

**ORDER**

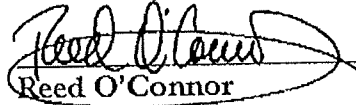
Before the Court is Movant Jeffrey Cutler's Motion for Reconsideration ("Motion") (ECF No. 274), filed January 16, 2020. Having considered the Motion and applicable law, the Court finds Movant's Motion should be and is hereby **DENIED**. The Court denied Movant's Motion to Transfer Case out of District because this Court lacks jurisdiction. *See* January 2, 2020 Order, ECF No. 271.

Here, the Court need not re-consider whether this Court has jurisdiction because the Fifth Circuit is clear. "The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back: 'The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.'" *United States v. Lucero*, 755 F. App'x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit's jurisdiction and eliminated this Court's jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant's Motion is **DENIED**.

Case 4:18-cv-00167-O Document 275 Filed 01/21/20 Page 2 of 2 PageID 3743

**SO ORDERED** on this 21st day of January, 2020.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

Case 4:18-cv-00167-O Document 271 Filed 01/16/20 Page 27 of 49 PageID 3285

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

TEXAS et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA et al.,

Defendants.

Civil Action No. 4:18-cv-00167-O

ORDER

Before the Court is Movant Jeffrey Cutler's Motion to Change Venue ("Motion") (ECF No. 269), filed December 30, 2019. "The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back. The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *United States v. Lucero*, 755 F. App'x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 439 U.S. 56, 58, (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit's jurisdiction and eliminated this Court's jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant's Motion is **DENIED**.

SO ORDERED on this 2nd day of January, 2019.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE



Case 4:18-cv-00167 Document 1-1 Filed 12/18/19 Page 1 of 1  
Case 4:18-cv-00167 Document 1-1 Filed 12/18/19 Page 1 of 1

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 18, 2019

No. 19-10011

Lyle W. Cayce  
Clerk

D.C. Docket No. 4:18-CV-167

STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA; STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MISSISSIPPI, by and through Governor Phil Bryant; STATE OF MISSOURI; STATE OF NEBRASKA; STATE OF NORTH DAKOTA; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF TENNESSEE; STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF ARKANSAS; NEILL HURLEY; JOHN NANTZ,

Plaintiffs - Appellees

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; ALEX AZAR, II, SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, in his Official Capacity as Commissioner of Internal Revenue,

Defendants - Appellants

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF KENTUCKY; STATE OF MASSACHUSETTS; STATE OF NEW JERSEY; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF VIRGINIA; STATE OF WASHINGTON; STATE OF MINNESOTA,

Intervenor Defendants - Appellants

Appeals from the United States District Court for the  
Northern District of Texas

Case 4:18-cv-00167-G Document 274 Filed 01/16/20 Page 22 of 27  
Case 4:18-cv-00167-G Document 274 Filed 01/16/20 Page 22 of 27

Before KING, ELROD, and ENGELHARDT, Circuit Judges.

### J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part, vacated in part, and remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

KING, Circuit Judge, dissenting.

Case 4:18-cr-00011-JLS Document 100 Filed 10/28/19 Page 13 of 30  
Case 5:19-cv-00834-JLS Document 80 Filed 06/09/19 Page 9 of 12  
Case 5:19-cv-00834-JLS Document 80 Filed 06/09/19 Page 10 of 49  
Case 5:19-cv-00834-JLS Doc 102-1 Filed 07/05/19 Page 9 of 25  
USCA Case #14-5183 Document #1567864 Filed: 08/14/2015 Page 1 of 1

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 14-5183**

**September Term, 2014**  
FILED ON: AUGUST 14, 2015

**JEFFREY CUTLER,**

**APPELLANT**

**v.**

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,**  
**APPELLEES**

**Appeal from the United States District Court**  
**for the District of Columbia**  
**(No. 1:13-cv-02066)**

**Before: HENDERSON, ROGERS and MILLETT, Circuit Judges**

**JUDGMENT**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED and ADJUDGED** that the judgment of the District Court appealed from in this cause be reversed as to Cutler's standing to press his Establishment Clause challenge, and be affirmed both as to the merits of his Establishment Clause claim and his lack of standing to press his equal protection challenge, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
**Mark J. Langer, Clerk**

**BY: /s/**  
**Ken Meadows**  
**Deputy Clerk**

**Date: August 14, 2015**

**Opinion for the court filed by Circuit Judge Millett.**

**General Docket**  
**United States Court of Appeals for the Fifth Circuit**

**Court of Appeals Docket #:** 19-10011  
**Nature of Suit:** 2890 Other Statutory Actions  
**State of Texas, et al v. USA, et al**  
**Appeal From:** Northern District of Texas, Fort Worth  
**Fee Status:** Fee Paid

**Docketed:** 01/07/2019  
**Termed:** 12/18/2019

**Case Type Information:**

- 1) United States Civil
- 2) United States
- 3)

**Originating Court Information:**

**District:** 0539-4 : 4:18-CV-167  
**Court Reporter:** Shawn McRoberts, Court Reporter  
**Originating Judge:** Reed Charles O'Connor, U.S. District Judge  
**Date Filed:** 02/26/2018  
**Date NOA Filed:** 01/03/2019

**Date Rec'd COA:**  
01/03/2019

- 12/19/2019 ☒ APPEARANCE FORM for the court's review. Lead Counsel? Yes. [19-10011] (Steven Travis Mayo ) [Entered: 12/19/2019 11:29 AM]
- 12/19/2019 APPEARANCE FORM FILED by Attorney(s) Steven Travis Mayo for party(s) Appellant State of Kentucky, in case 19-10011 [19-10011] (PAC) [Entered: 12/19/2019 11:46 AM]
- 12/19/2019 ☒ MOTION filed by Appellant State of Kentucky to substitute State of Kentucky with State of Kentucky, ex rel. Andy Beshear, Governor. Date of service: 12/19/2019 via email - Attorney for Appellees: Al-Fuhaid, Frederick, Hacker, Hawkins, Henneke, McCarty, Pettit; Attorney for Amici Curiae: Allison, Anthony, Baker, Bierig, Blalack, Carr, Chen, Delery, DiCarlo, Dotzel, Eidsmoe, Flowers, Gyamfi, Halligan, Hedrick, Hellman, Hunt, Jennings, Kitchens, Marotta, Masters, Melkonian, Olson, Palmore, Petronio, Salgado, Santos, Schlafly, Schultz, Sekulow, Shah, Solomon, Underwood, Van Kirk, Wolff, Zions; Attorney for Intervenors: Anders, Blake, Frazelle, Goldenberg, Gorod, Hammoud, Hanner, Kreisberg, Letter, Meltzer, Miller-Ziegler, Olson, Phatak, Shapiro, Stern, Tatelman, Verrilli, Wydra; Attorney for Appellants: Battles, Berns, Boergers, DiBattista, Elias, Flentje, Ikeda, Kallen, Lenz, Mayo, McGuire, Nakatsuji, Palma, Rubin, Siegel, Soueid, Sprung, Totaro, Van Zile, Vogel, Willey; US mail - Not Party Crawford [19-10011] (Steven Travis Mayo ) [Entered: 12/19/2019 12:10 PM]
- 12/20/2019 TECHNICAL REVISION MADE TO OPINION. [9213653-2] [19-10011] (NFD) [Entered: 12/20/2019 11:44 AM]
- 12/23/2019 ☒ COURT ORDER granting Motion to substitute party filed by Appellant State of Kentucky [9214353-2] Appellant State of Kentucky in 19-10011 substituted by Appellant Andy Beshear, Governor, State of Kentucky in 19-10011 [19-10011] (RAJ) [Entered: 12/23/2019 11:57 AM]
- 01/09/2020 ☒ TECHNICAL REVISION MADE TO OPINION. [9215416-2] [19-10011] (NFD) [Entered: 01/09/2020 03:23 PM]
- 01/14/2020 ☒ SUPREME COURT NOTICE that petition for writ of certiorari [9230126-2] was filed by Appellants Mr. Andy Beshear, District of Columbia, State of California, State of Connecticut, State of Delaware, State of Hawaii, State of Illinois, State of Massachusetts, State of Minnesota, State of New Jersey, State of New York, State of North Carolina, State of Oregon, State of Rhode Island, State of Vermont, State of Virginia and State of Washington on 01/03/2020. Supreme Court Number: 19-840. [19-10011] (SMC) [Entered: 01/14/2020 04:17 PM]
- 01/14/2020 ☒ SUPREME COURT NOTICE that petition for writ of certiorari [9230135-2] was filed by Intervenor United States House of Representatives on 01/03/2020. Supreme Court Number: 19-841. [19-10011] (SMC) [Entered: 01/14/2020 04:21 PM]
- 01/29/2020 ☒ DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the Brief, addendum and motion to transfer case to Pennsylvania because Mr. Jeffrey Cutler is not a party to the appeal [19-10011] (MFY) [Entered: 01/29/2020 10:38 AM]
- 01/29/2020 ☒ COURT ORDER denying for rehearing en banc [9240090-1] Mandate issue date is 02/06/2020 [19-10011] (KGL) [Entered: 01/29/2020 11:56 AM]

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
5th Circuit - Appellate - 01/29/2020 12:02:16			
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<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

<b>PACER Login:</b>	jk6550	<b>Client Code:</b>	
<b>Description:</b>	Case Summary	<b>Search Criteria:</b>	19-10011
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

In The  
**United States Court of Appeals**  
**for the Fifth Circuit**

**19-10011**

**JEFFREY CUTLER**  
Intervenor Paintiff-Appellee

**STATE OF TEXAS, et al.**  
Paintiff-Appellees

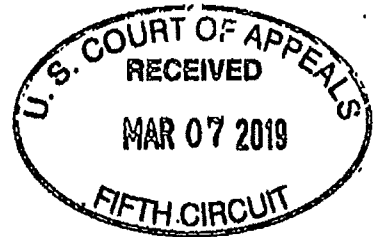
v.

**UNITED STATES OF AMERICA, et al.**  
Defendants-Appellants

**STATE OF CALIFORNIA, et al.**  
Intervenor Defendants-Appellants

**NANCY PELOSI**  
Intervenor Defendants-Appellant

*Appeal from the Order/Judgment entered Dec 14, 2018 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*



**RESPONSE TO NANCY PELOSI'S PETITION OF 03JAN2019**

**ORAL ARGUMENTS REQUESTED**

In The  
**United States Court of Appeals**  
**for the Fifth Circuit**

**19-10011**

**JEFFREY CUTLER**  
Intervenor Paintiff-Appellee

**STATE OF TEXAS, et al.**  
Paintiff-Appellees

v.

**UNITED STATES OF AMERICA, et al.**  
Defendants-Appellants

**STATE OF CALIFORNIA, et al.**  
Intervenor Defendants-Appellants

**NANCY PELOSI**  
Intervenor Defendants-Appellant

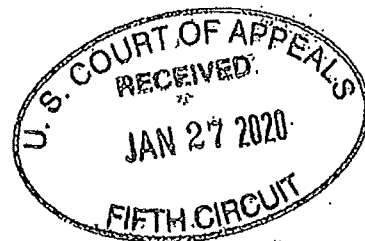
*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

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**BRIEF AND ADDENDUM**  
**Volume I (Pages 1-153)**

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JEFFREY CUTLER  
P.O. Box 2806  
York, PA 2806  
(215) 872-5715  
*Pro Se Appellee*



**UNITED STATES DISTRICT COURT EASTERN DISTRICT OF  
PENNSYLVANIA**

JEFFREY CUTLER, EAST  
LAMPETER TOWNSHIP  
ELECTED TAX  
COLLECTOR

Plaintiff,

v.

AMBER GREEN, RALPH  
HUTCHINSON, JUDGE  
MARGARET MILLER,  
CHRISTINA HAUSNER,  
RON MARTIN – WGAL  
AND SELECTED  
PENNSYLVANIA PUBLIC  
OFFICIALS (BOTH  
ELECTED AND NON-  
ELECTED), et al.

Defendant

) CASE NO.: 2:17-cv-00984

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) JURY TRIAL REQUESTED

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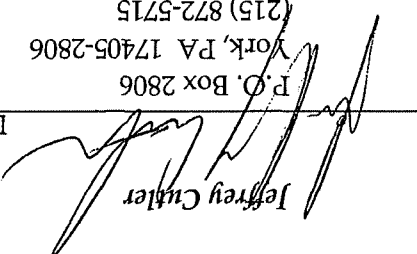
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**RESPONSE TO JUDGE'S ORDER OF 10MAR2017  
AND SUMMARY JUDGEMENT**

NOW COME, Jeffrey Cutler, Plaintiff in this case which is a continuing harassment and persecution of Jeffrey Cutler to change the outcome of the election of November 2013 efforts by East Lampeter Township, after the election has taken place, just like the Jill Stein recount case (2:16-cv-06287-PD JILL STEIN and RANDAL REITZ v. PEDRO A. CORTES, et al.). Mr. Cutler filed a motion to combine his case with that one, but the motion was denied. Mr. Cutler has not received a certified mail copy of the document mentioned in the judge's order of 10MAR2017. A notice of a document with postage due of \$ 6.10 was received but returned to sender. Mr. Cutler feels this is willful and deliberate false statement by Mr. Hutchinson and the his sender marked as Edelstein on PS Form 3849. For these reasons as set forth above Mr. Cutler request immediate



Respectfully submitted:

By:  Jeffrey Cutler  
P.O. Box 2806  
York, PA 17405-2806  
(215) 872-5715

DATE 20APRIL2017

summary judgement.

**RESPONSE TO JUDGE'S ORDER OF 10MAR2017  
AND SUMMARY JUDGEMENT**

**JEFFREY CUTLER, EAST  
LAMPETER TOWNSHIP  
ELECTED TAX  
COLLECTOR**

**Plaintiff,**

**v.**

**AMBER GREEN, RALPH  
HUTCHINSON, JUDGE  
MARGARET MILLER,  
CHRISTINA HAUSNER,  
RON MARTIN – WGAL  
AND SELECTED  
PENNSYLVANIA PUBLIC  
OFFICIALS (BOTH  
ELECTED AND NON-  
ELECTED), et al.**

**Defendant**

) ) *CASE NO.: 2:17-cv-00984*

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) **JURY TRIAL REQUESTED**

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**DEFENDANT'S PROPOSED ORDER FOR SUMMARY JUDGMENT TO PREVENT  
IRREPARABLE HARM TO THE TAXPAYERS OF PENNSYLVANIA**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2017 upon consideration Plaintiff's

Motion for Summary Judgment and for good cause shown, it is hereby ORDERED the

Motion is GRANTED.

**SO ORDERED.**

- a. If SUMMARY JUDGEMENT IS **NOT IMMEDIATELY ORDERED**, **ALLOW FOR ORAL ARGUMENTS** in this case immediately.
- b. Order Judge Miller and Christina Hausner to **Cease and Desist** any effort to rule on case CI-15-0524 and disclose all conversations, meeting minutes and parties involved in trying to circumvent the Pennsylvania Supreme Court and violate Mr. Cutler's civil rights.
- c. Order Judge Miller's order to allow Mr. Deyo to stop representing Mr. Cutler be vacated, since it was issued when she had NO LEGAL authority to issue the order.
- d. Reinstate Mr. Cutler's access to the **DEVNET** system and penalize Lancaster County/Amber Green a One Million Dollar per day penalty until access is granted, just like the other Tax Collectors of Lancaster County, or conversely designate someone in the office to assist with these duties until the case is settled in the Pennsylvania Supreme Court.

Case 2:17-cv-00984-TON Document 22 Filed 04/20/17 Page 4 of 98

- e. Order Lancaster County/Amber Green to reveal any willful effort to delete records entered by Mr. Cutler in the DEVNET system and all meetings and conversations with anyone in support of this effort. Order the salary of Ralph Hutchinson and all elected officials involved in these activities to have 20% of their pay put in an escrow account, until this case is totally resolved by a Jury, so they are held responsible for their actions.
- f. Order Ron Martin and WGAL to reveal all payments and meeting minutes concerned with trying to get Mr. Cutler and associated parties and pay a One Million Dollar penalty. Order all meetings that WGAL was a part of to conceal violations of the ACA AND ESTABLISHMENT CLAUSE OF THE CONSTITUTION AND show cause why they should be granted continuing broadcast rights in the United States to this court.
- g. Order Ron Martin and WGAL to provide equal time Live for every broadcast that Mr. Cutler was mentioned and disparaged.
- h. Order all parties in this case to swear they have no knowledge of any Anti-Jewish activity that occurred in Pennsylvania after Mr. Cutler's case was docketed for the Pennsylvania Supreme court.
- i. Order the United States Government to stop collecting or accessing penalties FOR FAILURE to comply *with established tenets or teachings of such sect or division of ANY religion in violation of the U.S. Constitution amendment 1*. See Exhibit "D" PAGE 10.
- j. Order all other actions requested in the original Summary Judgement implemented immediately

Dated: \_\_\_\_\_, 2017\_\_\_\_\_

\_\_\_\_\_  
BY THE COURT

**SUMMARY OF CASES INVOLVED IN THIS REQUEST INCLUDING CASES TO BE HEARD  
BY THE PENNSYLVANIA SUPREME COURT**

FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 5:17-cv-00447  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 5:16-cv-04108  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 2:16-cv-06287-PD  
USCA THIRD CIRCUIT 16-3164  
FEDERAL COURT MIDDLE DISTRICT PA 1:16-cv-01159  
FEDERAL COURT MIDDLE DISTRICT PA 1:17-cv-00168  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 5:17-cv-00455  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 5:17-cv-00714  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 2:17-cv-00984  
LANCASTER COUNTY COURT CI-17-0568  
LANCASTER COUNTY COURT CI-15-05424  
LANCASTER COUNTY COURT CI-15-05682  
LANCASTER COUNTY COURT CI-16-09640  
LANCASTER COUNTY COURT CI-16-10261  
MONTGOMERY COUNTY COURT CP-46-CR-0003932-2016  
LANCASTER COUNTY COURT CI-17-000210  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 2:96-cv-06244  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 97-cv-05034  
DC FEDERAL COURT 1:13-cv-2066  
DC USCA 14-5183  
SUPREME COURT OF UNITED STATES 15-632  
FEDERAL COURT EASTERN DISTRICT OF PENNSYLVANIA 78-165-1 (SEQUESTERD  
JUROR)

**SUMMARY OF CIVIL RIGHTS VIOLATIONS**

1. The limitation of an elected official to petition the Government for redress of grievances” violates the U.S. Constitution amendment 1.
2. The ability of the United States Government to collect or access penalties FOR FAILURE to comply with established tenets or teachings of such sect or division of ANY religion is in violation of the U.S. Constitution amendment 1
3. Warrantless search or seizure before an individual has been convicted of any crime, is in violation of the U.S. Constitution amendment 4.
4. The prevention of equal treatment in federal court is in violation of the U.S. Constitution amendment 5.
5. The prevention of the right to a jury trial is in violation of the U.S. Constitution amendment 6.
6. The prevention of the ability to call witnesses is in violation of the U.S. Constitution amendment 6.
7. The prevention of a jury trial in a civil matter exceeding a \$ 20.00 fine is in violation of the U.S. Constitution amendment 7.
8. The prevention of equal treatment in state court is in violation of the U.S. Constitution amendment 14.
9. The requirement to have an armed escort in public building of Lancaster County violates equal treatment of the U.S. Constitution amendment 14.
10. The prevention of an elected official of Lancaster County access to the DEVNET system violates equal treatment of the U.S. Constitution amendment 14.
11. The conspiracy to rule on case CI-15-05424, instead of allowing the Pennsylvania Supreme Court to rule violates equal treatment of the U.S. Constitution amendment 14.

IMPORTANT EXHIBITS FOLLOW

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United States Postal Service®  
**Sorry We Missed You We'll Deliver for You**

Return Date: 4/11/17 Recipient Name: Edelstein

Post Office: [Redacted] Available for Pick-Up After: 4/11 Time: 9:00

For Delivery: (Enter total number of items delivered by service below)  
☒ **Large** ☐ **Small** ☐ **Medium** ☐ **Extra Large**

For Notice Left: (Check applicable item)  
☐ **Priority Mail** ☐ **Insured Mail**  
☐ **Express®** ☐ **Return Receipt for Merchandise**  
☒ **Registered Mail®** ☐ **Adult Signature**  
☐ **Signature Confirmation®** ☐ **Signature Confirmation®**

Article Description: [Redacted] Article ID: 1610

Article Tracking #: 70143440000010694604

Signature: Jaffrey Totler  
 Address: P.O. Box 2806

PS Form 3849, July 2013 **usps.com** Delivery Notice/Receipt





## Mail Fraud Complaint

## Your Information

Company Name: Jeffrey  
 \* First Name: Jeffrey \* Last Name: Cutler  
 \* Address: P.O. Box 26  
 \* City: East Petersburg  
 \* State: Pennsylvania  
 \* ZIP Code: 17520-0026  
 \* Country: UNITED STATES  
 Cell Phone: (717) 854-4718 Work Phone: (215) 872-5715  
 Home Phone: (717) 390-9921 Fax:  
 Email Address: shaxcollector@gmail.com  
 Age Range: 55-64

## Complaint Filed Against

Company Name: Lancaster County Couns  
 First Name: Margaret Last Name: Miller  
 Address: 50 North Duke Street  
 City: LANCASTER  
 State: Pennsylvania  
 ZIP Code: 17603  
 Country: UNITED STATES  
 Cell Phone: Work Phone: (717) 299-8000  
 Home Phone: Fax:  
 Email Address:  
 Website Address:

## How Were You Contacted?

How were you contacted? US Mail  
 On what date were you contacted? 03/18/2017  
 Do you have the envelope it was mailed in? ☐ Yes ☒ No

## How Did You Respond to This Offer?

How did you respond to this offer? Other  
 Other: FED LAWSUIT 2:17-cv-00984  
 Response Mailed to a Different Address ☐ Yes ☒ No  
 Do you have a mailing receipt? ☐ Yes ☒ No

## What did you receive?

COURT ORDER TO STEAL MY MAIL

## How did it differ from what you expected?

How much did the company ask you to pay (\$)? 911,000.00

Do you have the item? ☐ Yes ☒ No

How was it delivered? US Mail

Did you contact the company or person about the complaint? ☐ Yes ☒ No

Date Last Contacted Company or Person:

## Did You Lose Money?

Lose Money: ☒ Yes ☐ No

Payment Type: Other Payment Method

Payment Type Other: DIRECT BANK TRANSFER

Payment Amount(\$): 911,000.00

Payment Date: 03/30/2017

## Type of Mail Fraud Complaint

Scheme Category: Employment

Scheme Type: Work at Home

## Additional Information

Redirection of Mail, Theft of Mail, Conspiracy, 18 U.S. Code § 1708, 18 U.S. Code § 1344 - Bank fraud 18 U.S. Code § 1349 WITH CONSPIRACY BY Susan Reigher, Ralph Hutchinson, Christina Clausner, Brian Cutler, Amber Green Martin

## Required Fields

Submit



ACCESSIBILITY | FREEDOM OF INFORMATION ACT | PRIVACY POLICY | U.S. POSTAL SERVICE | 1-877-876-2455

Mail Fraud Complaint form submitted successfully

31MAR2017 4:34 AM

Thank you for completing the form.

Reference number is C#1828618 06APR2017

The information you provided will be entered into our national complaint system.

The U.S. Postal Inspection Service gathers data on mail-related crime to determine whether a violation has occurred. While we can't guarantee that we can recover lost money or items, your information can help alert inspectors to problem areas and possibly prevent other people from being victimized. U.S. Postal Inspectors base their investigations on the number, substance, and pattern of complaints received from the public.

We ask you to keep all original documents related to your complaint. We will contact you ONLY if more information is needed.



ACCESSIBILITY | FREEDOM OF INFORMATION ACT | PRIVACY POLICY | U.S. POSTAL SERVICE | 1-877-876-2455

**Exhibit D**

No. 15-632 [14-5183]

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**In the Supreme Court of the United States**

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JEFFREY CUTLER,

*Petitioner,*

v.

UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, *et al.*,

*Respondents.*

---

*On Petition for Writ of Certiorari to the United States  
Court of Appeals for the District of Columbia Circuit*

---

**PETITION FOR WRIT OF CERTIORARI**

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ROBERT JOSEPH MUISE

*Counsel of Record*

American Freedom Law Center

P.O. Box 131098

Ann Arbor, MI 48113

(734) 635-3756

[rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)

DAVID YERUSHALMI

American Freedom Law Center

1901 Pennsylvania Ave. N.W. Suite 201

Washington, D.C. 20006

(646) 262-0500

[dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org)

*Counsel for Petitioner*

---

Becker Gallagher • Cincinnati, OH • Washington, D.C. • 800.890.5001

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### **QUESTIONS PRESENTED**

1. Whether the discriminatory enforcement of the Patient Protection and Affordable Care Act's individual mandate on the basis of religion violates the Establishment Clause of the First Amendment.

2. Whether Petitioner has standing to advance an equal protection challenge under the Fifth Amendment to the Executive Branch's discriminatory enforcement of the individual mandate.

**PARTIES TO THE PROCEEDING**

The Petitioner is Jeffrey Cutler ("Petitioner").

The Respondents are the United States Department of Health and Human Services; Sylvia Mathews Burwell, Secretary, United States Department of Health and Human Services; United States Department of Treasury; Jacob J. Lew, Secretary, United States Department of Treasury ("Respondents").

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**PETITION FOR WRIT OF CERTIORARI**  
**OPINIONS BELOW**

The opinion of the court of appeals appears at App. 1 and is reported at 2015 U.S. App. LEXIS 14268. The opinion of the district court appears at App. 23 and is reported at 52 F. Supp. 3d 27.

**JURISDICTION**

The opinion of the court of appeals was entered on August 14, 2015. App. 1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

**CONSTITUTIONAL PROVISIONS INVOLVED**

The Establishment Clause of the First Amendment provides, "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I.

The Fifth Amendment provides, in relevant part, "No person shall . . . be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V.

### **STATEMENT OF THE CASE**

Petitioner Jeffrey Cutler is a federal taxpaying resident of Pennsylvania. Despite President Obama's promise to the American people that "if you like your healthcare plan, you can keep it," in 2014, Petitioner's healthcare plan was cancelled as a result of the Patient Protection and Affordable Care Act ("Affordable Care Act" or "Act"). Consequently, Petitioner has been accruing penalties under the individual mandate's "penalty" provision and thus suffering a cognizable injury as a result.

Petitioner objects to being forced under penalty of federal law to purchase insurance that complies with the Affordable Care Act. However, Petitioner's non-religious objection to the mandate does not qualify for an exemption like the one granted by the federal government to those individuals who can "certify" that they profess and practice certain religious beliefs. By granting the religious exemption at issue here, the government is preferring certain religions and religious beliefs over others in violation of the Establishment Clause.

Moreover, pursuant to the "transitional policy" created by the President via executive action, the federal government is discriminatorily enforcing the individual mandate and its penalty provision based upon the state in which a citizen resides, thereby violating the equal protection guarantee of the Fifth Amendment.

Here, Petitioner has standing to challenge the enforcement of the individual mandate of the Affordable Care Act, and he has stated valid claims



under the First (Establishment Clause) and Fifth (equal protection) Amendments.

The D.C. Circuit found that Petitioner had standing to advance his Establishment Clause claim, but that the claim failed as a matter of law. The court also held that Petitioner lacked standing to advance his equal protection challenge. This petition follows.

### STATEMENT OF FACTS

#### A. The Affordable Care Act and the Individual Mandate.

In 2010, Congress enacted the Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), *amended* by Healthcare and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010). The purpose of the Act is to “increase the number of Americans covered by health insurance and decrease the cost of health care.” *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2580 (2012). By enacting the Affordable Care Act, Congress nationalized healthcare insurance by placing its requirements within federal control.

To accomplish its purpose, the Act requires, *inter alia*, each “applicable individual” to purchase and maintain “minimum essential” health insurance coverage (“individual mandate”). Individuals who fail to do so must pay a “penalty.” See 26 U.S.C. § 5000A(b)(1). The mandate was required to take effect on January 1, 2014. 26 U.S.C. § 5000A(a) (“An applicable individual shall for each month beginning after 2013 ensure that the individual . . . is covered under minimum essential coverage for such month.”).

As support for this mandate, Congress made the following factual findings:

By significantly increasing health insurance coverage, the requirement, together with the other provisions of this Act, will minimize this *adverse selection* and broaden the health insurance risk pool to include healthy individuals, which will lower health insurance premiums. The requirement is essential to creating effective health insurance markets in which improved health insurance products that are guaranteed issue and do not exclude coverage of pre-existing conditions can be sold. . . . By significantly increasing health insurance coverage and the size of purchasing pools, which will increase economies of scale, the requirement, together with the other provisions of this Act, will significantly reduce administrative costs and lower health insurance premiums. The requirement is essential to creating effective health insurance markets that do not require underwriting and eliminate its associated administrative costs.

42 U.S.C. § 18091(2)(I) & (J) (emphasis added).

Congress considered the individual mandate to be “an essential part” of the federal regulation of health insurance and warned that “the absence of the requirement would undercut Federal regulation of the health insurance market.” 42 U.S.C. § 18091(2)(H). *Cf. Nat’l Fed’n of Indep. Bus.*, 132 S. Ct. at 2668-76 (Scalia, J., Kennedy, J., Thomas, J., Alito, J., dissenting) (concluding that the individual mandate is

not severable and describing it as one of the “pillars” and “central provisions” of the Act).

Consequently, through the universal (and *federal*) enforcement of the mandate,<sup>1</sup> Congress sought to ensure that those who are required to purchase a compliant policy, which Congress described as an “adverse selection,” would at least benefit from “lower health insurance premiums” and not be further burdened by the inevitably higher costs associated with purchasing and maintaining the “minimum essential coverage” required by the Act. *See* 42 U.S.C. § 18091(2)(I) & (J).

Despite this federal need for universal enforcement of the mandate, Congress provided certain exemptions, “including one for persons *certified* as members of an exempt religion or sect, and for members of a health care sharing ministry.”<sup>2</sup> App. 25 (citing 26 U.S.C. § 5000A(d)(2) (2010)) (emphasis added); *see also* App. 3-4. Petitioner does not qualify for any exemption under the Act. App. 7-8.

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<sup>1</sup> *See* 42 U.S.C. § 300gg-22(a)(2) (stating that “the Secretary shall enforce” the Affordable Care Act’s market reforms [42 U.S.C. §§ 300gg, *et seq.*] “insofar as they relate to the issuance, sale, renewal, and offering of health insurance coverage in connection with group health plans or individual health insurance coverage in such State”).

<sup>2</sup> The Act also does not apply to so-called “grandfathered” health care plans. *See* 42 U.S.C. § 18011(a)(2); 26 C.F.R. § 54.9815-1251T; 29 C.F.R. § 2590.715-1251; 45 C.F.R. § 147.140.

**B. "If You Like Your Health Care Plan, You Can Keep It."**

In 2013, President Obama promised the American people that "if you like your health care plan, you can keep it."<sup>3</sup> Even today, the President is assuring the American people that "if you like the insurance you have, keep it," stating that "[n]othing in the proposal forces anyone to change the insurance they have. Period."<sup>4</sup>

To make good on his promise, the President engaged in a series of executive actions. In November 2013, President Obama announced a "transitional policy" that would allow Americans whose insurance companies cancelled their health care coverage to remain in their non-compliant plans. This "transitional policy" was detailed in a November 14, 2013, letter sent to state insurance commissioners by the Director of the Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, U.S. Department of Health & Human Services (hereinafter referred to simply as "CMS"). App. 6-7.

In this letter, CMS announced that "health insurance issuers may choose to continue certain coverage that would otherwise be cancelled, and affected individuals and small businesses may choose

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<sup>3</sup> See <http://www.politifact.com/truth-o-meter/article/2013/dec/12/lie-year-if-you-like-your-health-care-plan-keep-it/> (last visited Nov. 4, 2015).

<sup>4</sup> See <http://www.whitehouse.gov/health-care-meeting/proposal/titlei/keepit> (last visited on Nov. 4, 2015).

to re-enroll in such coverage. CMS further stated that, under the transitional policy, non-grandfathered health insurance coverage in the individual or small group market that is renewed for a policy year starting between January 1, 2014 and October 1, 2014 will not be considered to be out of compliance . . . ." App. 7.

On March 5, 2014, CMS confirmed the "transitional policy" previously announced by the President and further stated, "We have considered the impact of the transitional policy and will extend our transitional policy for two years—to policy years beginning on or before October 1, 2016, in the small group and individual markets." App. 7, n.5.

Although the Affordable Care Act applies to all citizens, the application of the "transitional policy" is dependent upon the state in which a citizen resides. For example, unlike Pennsylvania, a state in which insurance companies were permitted to cancel non-compliant health care plans, Arkansas requires the availability of non-compliant plans.<sup>5</sup>

We pause here to point out that the panel's reading of the Arkansas insurance bulletin is incorrect. In its decision, the panel stated the following:

A quick glance at the Arkansas insurance bulletin upon which Cutler relies (but declines to quote) reveals that Arkansas, like Pennsylvania, permits but does not compel the continuation of non-compliant plans during the transition period. *See* Arkansas Insurance Dep't, Bulletin

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<sup>5</sup> *See* Bulletin No. 6-2014, Ark. Ins. Dep't (Mar. 6, 2014), available at <http://www.insurance.arkansas.gov/Legal/Bulletins/6-2014.pdf>.

No. 6-2014 (March 6, 2014) (“[T]he Department *suggests* that insurers credit or adjust rates for those groups which have already renewed under [Affordable Care Act] compliance rates, and permit re-enrollment of the group in the earlier [*i.e.*, non-compliant] plan, if the group desired or desires to renew under the earlier non-grandfathered plan.”) (emphasis added).

App. 19. As the quoted bulletin makes plain, the *suggestion* to “credit or adjust rates” is for plans *that have already been renewed and are compliant under the Act*. This was a way of making up for the fact that non-compliant plans are now the standard in Arkansas as a result of the “transitional policy.”

In a statement issued by the Pennsylvania Insurance Department, Insurance Commissioner Michael Consedine stated, in relevant part:

The recent federal announcement concerning a multi-year extension of policies that do not comply with the Affordable Care Act (ACA) is another example of how the Obama Administration has changed the rules for implementing the law that it sought to have enacted. . . . In this instance, *it is the federal government which is responsible for the enforcement of the ACA*. It is difficult to understand how HHS can decline to enforce provisions in the law. While we remain extremely troubled by the constitutional ramifications of the announced approach, and concerned about the unsettling impact of a two-track marketplace, the Insurance Department will not stand in the way of any insurance

company that chooses to extend non-compliant policies in accord with the most recent federal announcement.<sup>6</sup>

**C. Petitioner Liked His Plan, but Was Unable to Keep It.**

Petitioner, a resident of Pennsylvania and someone who is not observant in his religion, is an “applicable individual” and not eligible for any statutory exemption to the Affordable Care Act. App. 7.

Petitioner’s health insurance was canceled as a result of the Act. Consequently, Petitioner was without insurance that satisfied the requirements of minimum essential coverage. App. 7-8. Petitioner can afford health insurance; however, he does not “wish[] to be mandated to be covered.” App. 25, *see also* App. 7-8. That is, Petitioner objects to the individual mandate on non-religious grounds and believes “that he should not be forced to change his religion or religious designation to avoid penalties.” App. 39.

As of January 1, 2014, Petitioner has incurred penalties for failing to maintain minimum essential coverage under the Act. App. 25-26; *see also* App. 12 (“Because he is neither a member of a religious group that qualifies for the religious exemption nor religiously opposed to obtaining insurance, he must

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<sup>6</sup> Press Release, Pa. Ins. Dep’t (Mar. 17, 2014), *available at* [http://www.portal.state.pa.us/portal/server.pt?open=512&objID=17319&PageID=502655&mode=2&contentid=http://pubcontent.state.pa.us/publishedcontent/publish/cop\\_hhs/insurance/news\\_and\\_media/news\\_\\_media/articles/march\\_17\\_\\_2014.html](http://www.portal.state.pa.us/portal/server.pt?open=512&objID=17319&PageID=502655&mode=2&contentid=http://pubcontent.state.pa.us/publishedcontent/publish/cop_hhs/insurance/news_and_media/news__media/articles/march_17__2014.html). (emphasis added).



either pay for a statutorily compliant insurance plan or pay a penalty.”).

### **REASONS FOR GRANTING THE PETITION**

The Court should grant review because this case presents important constitutional issues that should be resolved definitively by this Court. *See* Sup. Ct. R. 10(c) (providing that review is appropriate when a lower court has “decided an important question of federal law that has not been, but should be, settled by this Court”).

#### **I. The Mandate Violates the Establishment Clause.**

To begin, the district court held that Petitioner lacked standing to assert his Establishment Clause claim since he was merely advancing a “generalized grievance,” but the D.C. Circuit properly rejected that conclusion as “mistaken.” App. 13.

The panel’s ruling on the standing issue in the context of Petitioner’s Establishment Clause claim provides a good segue into the discussion of this claim. Indeed, it demonstrates the validity of this cause of action. As stated by the court:

[W]e conclude that Cutler has standing to bring his Establishment Clause challenge to the religious exemption. His objection is straightforward: Because he is neither a member of a religious group that qualifies for the religious exemption nor religiously opposed to obtaining insurance, he must either pay for a statutorily compliant insurance plan or pay a penalty. Cutler argues that allowing individuals

to avoid both paying for insurance and paying the penalty if they abjure insurance for religious reasons, but not if they abjure it for secular reasons, violates the Establishment Clause because it favors faith over his non-belief. In so doing, Cutler has adequately alleged an injury in fact to his constitutional right not to be treated differently—not to be penalized for lacking insurance—just because he is not religiously motivated. *See, e.g., McCreary County, Kentucky v. American Civil Liberties Union of Kentucky*, 545 U.S. 844, 860, (2005) (“[T]he First Amendment mandates governmental neutrality between \* \* \* religion and nonreligion.”) (internal citation and quotation marks omitted). That injury, in turn, stems directly from the religious exemption in the Affordable Care Act, as that is what causes him to be subject to a penalty when religious objectors to purchasing insurance are not. . . .

Finally, because we must assume at this stage that the requested relief would be granted, Cutler satisfies the redressability prong of the standing inquiry. In his complaint, Cutler seeks wholesale invalidation of the Affordable Care Act, *see* Complaint, Prayer ¶ 4, while his appellate briefing suggests that he might be satisfied with a court order “enjoining the enforcement of the penalty provision as applied against Plaintiff,” Cutler Br. 18. Either way, if this court were to give Cutler what he wants, his Establishment Clause injury—the differential

treatment because of his lack of religious objection—would disappear. . . .

App. 12-13.

As the panel acknowledged, Petitioner has suffered a legally cognizable injury which “stems directly from the religious exemption in the Affordable Care Act, as that is what causes him to be subject to a penalty when religious objectors to purchasing insurance are not.” App. 12. As discussed below, this conclusion affirms the Establishment Clause violation at issue.

It is axiomatic that “[t]he First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *Epperson v. Ark.*, 393 U.S. 97, 104 (1968). Even “subtle departures from neutrality” are prohibited. *See Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993). Consequently, laws that discriminate on the basis of religion, as the law in this case does, run afoul of the First Amendment.

As stated by this Court, “[t]he clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U.S. 228, 244 (1982); *see also Commack Self-Service Kosher Meats, Inc. v. Weiss*, 294 F.3d 415, 423-27 (2d Cir. 2002) (holding that the state’s defining of “kosher” as “prepared in accordance with orthodox Hebrew religious requirements” violated the First Amendment because it suggested a “preference for the views of one branch of Judaism”).

Even more to the point, in *Everson v. Board of Education*, 330 U.S. 1, 15-16 (1947), this Court

emphasized that “[t]he ‘establishment of religion’ clause . . . means at least this: Neither a state nor the Federal Government . . . can pass laws which aid one religion, aid all religions, or prefer one religion over another,” which is precisely what the Federal Government has done here.

The district court concluded that the religious exemption to the individual mandate does not make “explicit and deliberate distinctions’ between different religions or sects.” App. 43-44. The D.C. Circuit affirmed, holding that the exemption is a permissible accommodation. App. 15-18 (describing the exemption as a “religious accommodation”). Both conclusions are wrong.

The Affordable Care Act exemption is not simply a “permissible legislative accommodation of religion,” such as the one upheld by this Court in *Cutter v. Wilkinson*, 544 U.S. 709 (2005),<sup>7</sup> a case involving a challenge to the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). RLUIPA does not provide exemptions *per se*, it provides that “[n]o government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution,” unless the burden furthers “a compelling governmental interest,” and does so by “the least restrictive means.” 42 U.S.C. § 2000cc-1(a)(1)-(2). Consequently, RLUIPA alleviates government-created burdens on private religious exercise in general, and it must be administered

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<sup>7</sup> The panel relied upon *Cutter* in reaching its conclusion. App. 15-18.

neutrally among *all* faiths, unlike the exemption at issue here.

In contrast to the “accommodation” at issue in *Cutter*, the Affordable Care Act exemption is not simply a religious accommodation that is applicable to *all* religions. Rather, it plainly rewards certain religious beliefs (and thus sects) over others. Per the exemption, it applies only: (1) “to a member of a *recognized* religious sect or division”; (2) who is “an *adherent* of *established tenets or teachings* of such sect or division”; and (3) “by reason of [these established tenets or teachings,] is conscientiously opposed to acceptance of the benefits of any private or public insurance.” *See* 26 U.S.C. § 5000A(d)(2)(A)(i) & (ii); 26 U.S.C. § 1402(g)(1).

Petitioner is “conscientiously” opposed to being forced to purchase government-mandated insurance, but he is not exempt because his objection is not based on “established tenets or teachings . . . of a recognized religious sect or division.” *See* App. 12.

*Larson v. Valente*, 456 U.S. 228 (1982), is on point. In *Larson*, the plaintiff challenged the constitutionality of a state charitable contributions statute which *exempted* from its registration and reporting requirements only those religious organizations that received more than fifty percent of their total contributions from members or affiliated organizations (*n.b.*: the statute did *not* identify any particular religion, sect, or denomination). This Court held that the statute violated the Establishment Clause, stating that it “is not simply a facially neutral statute, the provisions of which happen to have a ‘disparate impact’ upon different religious organizations. On the contrary, [the statute] makes explicit and deliberate

distinctions between different religious organizations.”  
*Id.* at 247 n.23.

The same is true here. In fact, the situation is worse here in that the distinctions drawn are not merely based on the type and percentage of contributions received, but on professed religious beliefs. *See* 26 U.S.C. § 5000A(d)(2)(A)(i) & (ii).

Moreover, for the government to evaluate and thus determine which religious “adherents” qualify for the exemption is itself an excessive entanglement prohibited by the Establishment Clause. In fact, the panel’s conclusion that the “qualifications for exemption are not drawn on sectarian lines; they simply sort out which faiths have a proven track record of adequately meeting the statutory goals,” App. 18, is a prime example of unlawful excessive entanglement. *See Lemon v. Kurtzman*, 403 U.S. 602 (1971) (finding excessive entanglement in light of the government’s power to evaluate the private institution’s financial records); *see also* App. 25 (citing 26 U.S.C. § 5000A(d)(2) (2010) and noting that the exemption includes “one for persons *certified* as members of an exempt religion of sect”) (emphasis added).

The religious exemption of the Affordable Care Act adopts an exemption of the Social Security Amendments of 1965 (*i.e.*, 26 U.S.C. § 1402(g)), which courts have found constitutional under the Establishment Clause in the context of the social security system. *See, e.g., Droz v. Comm’r*, 48 F.3d 1120, 1124 (9th Cir. 1995); *Hatcher v. Comm’r*, 688 F.2d 82, 83-84 (10th Cir. 1979); *Jaggard v. Comm’r*, 582 F.2d 1189, 1190 (8th Cir. 1978); *Palmer v. Comm’r*, 52 T.C. 310, 314-15 (1969). The panel followed this

same reasoning. App. 16. However, the two exemptions are not similar.

In *Liberty University, Inc. v. Lew*, 733 F.3d 72 (4th Cir. 2013), the Fourth Circuit upheld the religious exemption in the context of the Affordable Care Act. But like the district court, which “adopt[ed] the reasoning of the Fourth Circuit,” App. 44, and the D.C. Circuit, the Fourth Circuit was mistaken.

Indeed, cases upholding the exemption in the context of the social security system do not resolve this challenge. The social security system, unlike the Affordable Care Act, has been granted great deference by the courts, which are exceedingly reluctant to upset this “third rail” of American politics. Additionally, while the social security system, by its very nature and purpose, “must be uniformly applicable to all,” *United States v. Lee*, 455 U.S. 252, 261 (1982),<sup>8</sup> the same is not

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<sup>8</sup> In *United States v. Lee*, 455 U.S. 252 (1982), the Court was tasked with determining “whether imposition of social security taxes is unconstitutional as applied to persons who object on religious grounds to receipt of public insurance benefits and to payment of taxes to support public insurance funds.” *Id.* at 254. The employer who was advancing the constitutional challenge was a self-employed farmer and carpenter and a member of the Old Order Amish religion who employed several other Amish. The employer failed to file the required social security tax returns, withhold social security tax from his employees, or pay his share of social security taxes. The employer contended that the Amish religion prohibited the acceptance of social security benefits and barred all contributions by Amish to the social security system. Thus, the employer argued that the statutory requirement was an unconstitutional infringement upon the free exercise of religion. The government argued that payment of social security taxes did not threaten the integrity of the Amish religious belief or

true of the Affordable Care Act, which provides multiple exemptions, *see, e.g.*, 26 U.S.C. § 5000A(d); 42 U.S.C. § 18011(a)(2) (exempting “grandfathered” healthcare plans), including the recent “transitional policy” and “hardship” exemptions.

And unlike the situation presented by the Affordable Care Act, in order to qualify for the exemption under the social security system, the eligible applicant must waive “all benefits and other payments” under the Social Security Act. 26 U.S.C. § 1402(g)(1)(b). There is no comparable waiver under the Affordable Care Act, contrary to the panel’s ruling. *See App. 17.* This is an important distinction. *See Droz*, 48 F.3d at 1124 (“[T]he fact that § 1402(g)’s effect is to neither advance nor inhibit religion is shown by the requirement that a person must waive all Social Security benefits to receive an exemption.”). A member of an exempted religious sect, for example, can still receive costly medical care at an emergency room, *see*

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observance. The Court held that although compulsory participation in the social security system interfered with the employer’s free exercise rights, the requirement was valid because it was essential to accomplish an overriding governmental interest. That is, the government had a compelling interest that was promoted by the requirement. The Court found that it was necessary for the tax imposed on employers to support the social security system *be uniformly applicable to all*, except as explicitly provided in 26 U.S.C. § 1402(g), which exempted the self-employed Amish but not all persons working for an Amish employer. The Court explained with respect to the § 1402(g) exemption, “Congress granted an exemption . . . [to] a narrow category which was readily identifiable,” *i.e.*, “persons in a religious community having its own ‘welfare’ system.” *Lee*, 455 U.S. at 260-61. Thus, the exemption did not apply.



42 U.S.C. § 1395dd—a practice the Affordable Care Act was intended to discourage.

In *Droz*, the Ninth Circuit attempted to distinguish *Larson* by noting that § 1402(g) “grants a religious exemption subject to a condition—coverage in a private welfare plan”; therefore, it “is not intended to discriminate among religions, but is intended to ensure the viability of the Social Security system and the coverage of all individuals in a public or private welfare plan.” *Droz*, 48 F.3d at 1124. Here, there is no similar “condition” with regard to the Affordable Care Act. The challenged exemption applies only to those certified *adherents* of the religious “tenets or teachings” of a particular “religious sect or division” without any condition “intended to ensure the viability” of the Affordable Care Act.

Finally, unlike the Social Security Act’s religious exemption, which does not apply to Amish who are employers or employees, but only to those Amish who are self-employed, *see Lee*, 455 U.S. at 260-61, the Affordable Care Act’s “religious conscience exemption” is broadly drafted to include all certified *adherents* of the religious “tenets or teachings” of a particular “religious sect or division,” 26 U.S.C. § 5000A(d)(2)(A)(i) & (ii).

In conclusion, it is incorrect to rely upon cases that rejected an Establishment Clause challenge to the very narrow exemption that applies to the Social Security Act. But most important, the more broadly drafted Affordable Care Act exemption, which is based upon the “religious sect or division” to which the exempted person belongs and his “adheren[ce]” to the “established tenets or teachings of such sect or

division," directly violates the holding in *Larson v. Valente* by "mak[ing] explicit and deliberate distinctions between different religious organizations." *Larson*, 456 U.S. at 247 n.23. Consequently, the enforcement of the individual mandate and its penalty provision against Petitioner violates the Establishment Clause.

## **II. Petitioner Has Standing to Assert His Equal Protection Claim.**

The panel held that Petitioner lacked standing to assert his equal protection challenge. App. 20. This conclusion is similarly mistaken and contrary to established law. We begin with a review of Petitioner's substantive claim and then turn to the standing issue.

This Court's "approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment." *Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 n.2 (1975). Consequently, case law interpreting the Equal Protection Clause of the Fourteenth Amendment is applicable when reviewing an equal protection claim arising under the Fifth Amendment, as in this case.<sup>9</sup>

It is axiomatic that the constitutional guarantee of equal protection embodies the principle that all persons similarly situated should be treated alike. *City of*

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<sup>9</sup> This case involves an equal protection claim arising under the Fifth Amendment because the defendants are agents of the federal government. *See, e.g., Bolling v. Sharpe*, 347 U.S. 497, 499 (1954); *see also* App. 9 n.6 (treating Petitioner's equal protection claim "as a claim brought under the Fifth Amendment").

*Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985); *Skinner v. Okla.*, 316 U.S. 535, 541 (1942) (“The guaranty of equal protection of the laws is a pledge of the protection of equal laws.”) (internal quotations and citation omitted). And this constitutional guarantee applies to administrative as well as legislative acts. *Raymond v. Chi. Union Traction Co.*, 207 U.S. 20, 35-36 (1907).

This Court’s equal protection jurisprudence has typically been concerned with governmental classifications that “affect some groups of citizens differently than others.” *McGowan v. Md.*, 366 U.S. 420, 425 (1961); *Ross v. Moffitt*, 417 U.S. 600, 609 (1974) (“‘Equal Protection’ . . . emphasizes disparity in treatment by a State between classes of individuals whose situations are arguably indistinguishable.”). Consequently, the equal protection guarantee is violated when the government creates benefits and burdens based on residency such that “some citizens are more equal than others.” See *Zobel v. Williams*, 457 U.S. 55, 65 (1982) (holding that Alaska’s dividend distribution plan which favored some residents over others violated equal protection). This is often expressed as infringing upon the right to travel or as depriving a person of the privileges and immunities afforded all citizens,<sup>10</sup> but nonetheless a violation of equal protection. See, e.g., *id.* at 67, 70 (Brennan, J., concurring) (observing that “the right to travel achieves its most forceful expression in the context of equal protection analysis” and stating that “equality of

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<sup>10</sup> Article IV, section 2, provides: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” U.S. Const. art. IV, § 2.

citizenship is of the essence in our Republic"); *see also Saenz v. Roe*, 526 U.S. 489, 499 (1999) ("We further held that a classification that had the effect of imposing a penalty on the exercise of the right to travel violated the Equal Protection Clause unless shown to be necessary to promote a *compelling* governmental interest . . .") (internal quotations and citation omitted); *Shapiro v. Thompson*, 394 U.S. 618, 643 (1969) (Stewart, J., concurring) (observing that the right to "travel" is "a virtually unconditional personal right, guaranteed by the Constitution to us all"). As stated by the Court:

A citizen of the United States has a perfect constitutional right to go to and reside in any State he chooses, and to claim citizenship therein, and an equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that right. He is not bound to cringe to any superior, or to pray for any act of grace, as a means of enjoying all the rights and privileges enjoyed by other citizens.

*Saenz*, 526 U.S. at 503-04 (internal quotations and citation omitted).

Indeed, the equal protection guarantee, like the Constitution itself, was "framed upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division." *Baldwin v. G. A. F. Seelig, Inc.*, 294 U.S. 511, 523 (1935) (Cardozo, J.). Consequently, the inequitable enforcement of a law based upon where one resides conflicts fundamentally with the constitutional purpose of maintaining a "Union" rather than a mere "league of States" and

similarly runs afoul of our Constitution's pledge of equal protection. *See Paul v. Va.*, 8 Wall. 168, 180 (1869). As stated more fully by the Court:

It was undoubtedly the object of the [Privileges and Immunities] clause in question to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned. It relieves them from the disabilities of alienage in other States; it inhibits discriminating legislation against them by other States; it gives them the right of free ingress into other States, and egress from them; it insures to them in other States the same freedom possessed by the citizens of those States in the acquisition and enjoyment of property and in the pursuit of happiness; and it secures to them in other States the equal protection of their laws. It has been justly said that no provision in the Constitution has tended so strongly to constitute the citizens of the United States one people as this. Indeed, without some provision of the kind removing from the citizens of each State the disabilities of alienage in the other States, and giving them equality of privilege with citizens of those States, the Republic would have constituted little more than a league of States; it would not have constituted the Union which now exists.

*Id.* In sum, a regulatory scheme—and in particular, as in this case, a regulatory scheme enforced by the federal government—that results in disparate benefits and burdens based upon the state in which a person

resides is a form of discrimination that violates the equal protection guarantee of the Constitution—a guarantee that itself resides in the Fifth and Fourteenth Amendments.

Here, the enforcement of the Act—and in particular, the mandate requiring “applicable individuals” to purchase and maintain insurance that is compliant *with federal law*—is not universally and thus not equally enforced throughout the nation but is principally dependent upon the state in which a citizen resides as to whether the individual can “keep his healthcare plan if he likes it.” See generally *Holder v. City of Allentown*, 987 F.2d 188, 197 (3d Cir. 1993) (“[I]t has long been established that discriminatory enforcement of a statute or law by state and local officials is unconstitutional.”). Petitioner liked his healthcare plan, but was unable to keep it because he resided in Pennsylvania—a state in which insurance companies were permitted to cancel non-compliant plans unlike in other states, such as Arkansas. And it is not correct to say that since Petitioner has completed his interstate travel (*i.e.*, he wants to remain in Pennsylvania) that this “perfect constitutional right” of his as a citizen is only affected “incidentally.” Indeed, since Petitioner has the right to be treated equally, “the discriminatory classification is itself a penalty.” *Saenz*, 526 U.S. at 505.

In sum, the federal government “has no affirmative power to authorize the States to violate the Fourteenth Amendment and is implicitly prohibited from passing legislation that purports to validate any such violation.” *Id.* at 508. “[N]either Congress nor a State can validate a law that denies the rights guaranteed by

the Fourteenth Amendment,” *id.*—rights also secured by the Fifth Amendment.

Turning now to the threshold standing question. It is well established that the Constitution confines the federal courts to adjudicating actual “cases” or “controversies.” U.S. Const. art. III, § 2. As stated by this Court:

A justiciable controversy is . . . distinguished from a difference or dispute of a hypothetical or abstract character; from one that is academic or moot. The controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests. It must be a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts. Where there is such a concrete case admitting of an immediate and definite determination of the legal rights of the parties in an adversary proceeding upon the facts alleged, the judicial function may be appropriately exercised . . . .

*Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 240-41 (1937) (citations omitted).

This case presents “a real and substantial controversy” between parties with “adverse legal interests,” and this controversy can be resolved “through a decree of a conclusive character.” *Id.* It will not require the court to render “an opinion advising what the law would be upon a hypothetical state of facts.” *Id.* In sum, it presents a “justiciable

controversy” in which “the judicial function may be appropriately exercised.” *Id.* In an effort to give meaning to Article III’s “case” or “controversy” requirement, the courts have developed several justiciability doctrines, including standing. *See Susan B. Anthony List v. Driehaus*, 134 S. Ct. 2334, 2341 (2014). “The doctrine of standing gives meaning to these constitutional limits by identifying those disputes which are appropriately resolved through the judicial process.” *Id.* (internal quotations and citation omitted).

“In essence the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues.” *Warth v. Seldin*, 422 U.S. 490, 498 (1975). Consequently, to invoke the jurisdiction of a federal court, “[a] plaintiff must allege personal injury fairly traceable to the defendant’s allegedly unlawful conduct and likely to be redressed by the requested relief.” *Allen v. Wright*, 468 U.S. 737, 751 (1984). While the necessary injury-in-fact to confer standing is not susceptible to a precise definition, it must be “distinct and palpable,” *Warth*, 422 U.S. at 501, and not merely “abstract,” “conjectural,” or “hypothetical,” *Allen*, 468 U.S. at 751. Put another way, the injury must be both “concrete and particularized,” meaning “that the injury must affect the plaintiff in a personal and individual way.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 n.1 (1992).

To that end, courts have recognized that “[a]n economic injury which is traceable to the challenged action satisfies the requirements of Article III.” *Linton v. Comm’r of Health & Env’t*, 973 F.2d 1311, 1316 (6th Cir. 1992); *see also Gen. Motors Corp. v. Tracy*, 519 U.S. 278 (1997); *Friends of the Earth, Inc. v. Laidlaw Envtl.*



*Servs., Inc.*, 528 U.S. 167, 184 (2000) (acknowledging that regulations injuring a plaintiff's "economic interests" create the necessary injury-in-fact). Certainly, the requirement to pay a financial penalty imposes an injury to Petitioner's "economic interests." And this injury is "fairly traceable" to the challenged actions.<sup>11</sup>

Moreover, and most important for purposes of this case, "courts have routinely found sufficient adversity between the parties to create a justiciable controversy when suit is brought by the particular plaintiff subject to the regulatory burden imposed by a statute." *Nat'l Rifle Assoc. of Am. v. Magaw*, 132 F.3d 272, 282 (6th Cir. 1997); *Doe v. Bolton*, 410 U.S. 179 (1973); *Planned Parenthood Ass'n v. City of Cincinnati*, 822 F.2d 1390, 1394-95 (6th Cir. 1987). Thus, when the plaintiff is an object of the challenged action "there is ordinarily little question that the action or inaction has caused him injury." *Defenders of Wildlife*, 504 U.S. at 561-62. Here, there is no question that Petitioner is subject to the individual mandate and its penalty provision for failing to comply with the mandate. Therefore, the standing question is relatively straightforward and

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<sup>11</sup> "Traceability examines whether there is a causal connection between the claimed injury and the challenged conduct, that is, whether the asserted injury was the consequence of the defendant's actions. Causation does not require that the challenged action must be the 'sole' or 'proximate' cause of the harm suffered, or even that the action must constitute a 'but-for cause' of the injury. . . . At its core, the causation inquiry asks whether the agency's actions materially increase[d] the probability of injury." *Nat'l Treasury Emps. Union v. Whipple*, 636 F. Supp. 2d 63, 73 (D.D.C. 2009) (quotation marks, brackets, and citations omitted).

must be answered in favor of Petitioner. *See, e.g.*, App. 12 (discussing Petitioner's standing to bring an Establishment Clause challenge and noting that his objection is "straightforward").

Petitioner is *currently* subject to the mandate and its penalty provision. In fact, the penalties are *now* accruing, and Petitioner is ineligible for any exemption, including exemptions provided under the "transitional policy" because he resides in Pennsylvania. *See* 26 U.S.C. § 5000A(a), (b) & (c). Moreover, Petitioner's health insurance—a plan which he liked and wanted to keep—was cancelled as a result of the Act. Yet other citizens, depending upon the state in which they reside, are able to keep their non-compliant plans as well as avoid a penalty. Thus, the Act is being applied in a discriminatory manner, and Petitioner is unable to avoid the penalties and thereby suffering an injury as a result.

Finally, regarding the issue of redressibility, granting the requested relief in this case (declaratory and injunctive relief) will ensure that Petitioner is not subject to penalty for failing to comply with the Act. *See* App. 20 (finding lack of redressibility for equal protection claim); *but see* App. 13-15 (finding redressibility for Establishment Clause claim). And an order from this Court that ultimately declares unconstitutional the government's discriminatory enforcement of the mandate and enjoins its penalties will remedy the harm caused by Respondents' unlawful enforcement of the Affordable Care Act. *See* App. 13 (finding redressibility with regard to Petitioner's Establishment Clause challenge and noting that "if this court were to give Cutler what he wants, his

Establishment Clause injury—the differential treatment because of his lack of religious objection—would disappear. . .”).

In *Zobel v. Williams*, 457 U.S. 55 (1982), for example, a segment of Alaskan residents challenged the constitutionality of a statutory scheme by which the state distributed income derived from natural resources to the adult citizens of Alaska in varying amounts based on the length of each citizen's residence. The Court held that the distribution plan's discrimination was invalid. However, striking down the plan did not guarantee that the challengers would receive a higher disbursement than if they had not challenged the law. The state could have chosen to lower the disbursements so that all recipients received the lowest amount (leaving the challengers in the same position) or it could have chosen not to distribute any income whatsoever (leaving the challengers in a worse position). However, by striking it down, the Court redressed the discrimination caused by the plan.

Declaring that the discrimination caused by the individual mandate violates the Constitution and enjoining the enforcement of the penalty provision as applied against Petitioner will remedy the unlawful conduct and thus redress Petitioner's injury.

In sum, there is “little question” that Petitioner has standing because he has alleged a “personal injury” that is “fairly traceable” to the challenged actions and is “likely to be redressed by the requested relief.” See *Allen*, 468 U.S. at 751.

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**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

**ROBERT JOSEPH MUISE**

*Counsel of Record*

American Freedom Law Center

P.O. Box 131098

Ann Arbor, MI 48113

(734) 635-3756

[rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)

**DAVID YERUSHALMI**

American Freedom Law Center

1901 Pennsylvania Ave. N.W. Suite 201

Washington, D.C. 20006

(646) 262-0500

[dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org)

*Counsel for Petitioner*

## **APPENDIX**

**APPENDIX**

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**APPENDIX A**

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**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**No. 14-5183**

**[Filed August 14, 2015]**

JEFFREY CUTLER,	)
APPELLANT	)
	)
v.	)
	)
UNITED STATES DEPARTMENT OF	)
HEALTH AND HUMAN SERVICES, ET AL.,	)
APPELLEES	)

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:13-cv-02066)

*Robert J. Muise* argued the cause for appellant.  
With him on the briefs was *David E. Yerushalmi*.

*Katherine Twomey Allen*, Attorney, U.S.  
Department of Justice, argued the cause for appellees.  
With her on the brief were *Benjamin C. Mizer*, Acting  
Assistant Attorney General, *Ronald C. Machen Jr.*,  
U.S. Attorney at the time the brief was filed, and *Mark  
B. Stern* and *Alisa B. Klein*, Attorneys.

Before: HENDERSON, ROGERS and MILLETT, *Circuit  
Judges*.

## App. 2

Opinion for the Court filed by *Circuit Judge*  
MILLETT.

MILLETT, *Circuit Judge*: Jeffrey Cutler's insurance company cancelled his health insurance plan because it did not comply with the requirements of the Patient Protection and Affordable Care Act ("Affordable Care Act" or "Act"), Pub. L. No. 111-148, 124 Stat. 119 (2010). He objects to the requirement that he buy compliant insurance for personal, but not religious, reasons. So he filed suit challenging the religious exemption in the Affordable Care Act as an unconstitutional establishment of religion. He also argues that the Administration's decision to temporarily suspend enforcement of some of the Act's requirements for a transitional period deprived him of the equal protection of the laws. While we disagree with the district court's holding that he lacked standing to press his Establishment Clause challenge, long-settled precedent dooms his claim on the merits. Cutler lacks standing to assert his equal protection claim because nothing in the transitional policy requires him to buy insurance; his inability to maintain his old plan was the independent choice of his insurer.

## I

**Statutory and Regulatory Framework**

Congress enacted the Affordable Care Act in 2010 in an effort to "increase the number of Americans covered by health insurance and decrease the cost of health care." *National Federation of Independent Business v. Sebelius*, 132 S. Ct. 2566, 2580 (2012). Key to the Act's "interlocking reforms," *King v. Burwell*, No. 14-114, 576 U.S. \_\_\_, slip op. at 1 (June 25, 2015), is a general



## App. 3

requirement that individuals must maintain health insurance coverage or pay a tax penalty to the Internal Revenue Service. 26 U.S.C. § 5000A. Without that obligation to obtain insurance, Congress found, “many individuals would wait to purchase health insurance until they needed care,” 42 U.S.C. § 18091(2)(I), creating an “adverse selection \* \* \* death spiral” that would destabilize insurance markets, *King*, slip op. at 2.<sup>1</sup>

Consistent with the statutory goals of near-universal coverage and protecting the efficient functioning of the health insurance market, 42 U.S.C. § 18091(2)(D) and (I), Congress allowed only carefully limited exceptions to the general obligation to maintain health insurance. See *Seven-Sky v. Holder*, 661 F.3d 1, 6 (D.C. Cir. 2011). Of relevance here, the Affordable Care Act generally exempts those with sincere religious

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<sup>1</sup> “Adverse selection” is an economic term of art that describes problems that can arise in insurance markets when the healthy have insufficient incentive to purchase health insurance, and thus the resulting pool of insureds consists predominantly of the sick and those actively using their insurance. As the Supreme Court explained in *King v. Burwell*, some state-level precursors to the Affordable Care Act, by banning the denial of insurance for preexisting conditions, had

encouraged people to wait until they got sick to buy insurance. Why buy insurance coverage when you are healthy, if you can buy the same coverage for the same price when you become ill? This consequence—known as ‘adverse selection’—led to a second: Insurers were forced to increase premiums to account for the fact that, more and more, it was the sick rather than the healthy who were buying insurance.

No. 14-114, 576 U.S. \_\_\_, slip op. at 2.

## App. 4

objections to purchasing health insurance. *See* 26 U.S.C. § 5000A(d)(2). Specifically, the Act provides for a “religious conscience exemption” that applies to an individual who is both “(i) a member of a recognized religious sect or division thereof which is described in [26 U.S.C.] section 1402(g)(1),” and “(ii) an adherent of established tenets or teachings of such sect or division as described in such section.” 26 U.S.C. § 5000A(d)(2)(A)(i)–(ii).

Section 1402(g)(1) of Title 26, in turn, houses the religious exemption from Social Security and Medicare taxes, which Congress enacted as part of the Social Security Amendments of 1965, Pub. L. No. 89-97, 79 Stat. 286. That provision allows an individual who, because of religious faith, is “conscientiously opposed to acceptance of the benefits of any private or public [health] insurance,” to opt out of the Social Security and Medicare programs. 26 U.S.C. § 1402(g)(1).<sup>2</sup>

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<sup>2</sup> Section 1402(g)(1) provides in full:

Any individual may file an application (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) for an exemption from the tax imposed by this chapter if he is a member of a recognized religious sect or division thereof and is an adherent of established tenets or teachings of such sect or division by reason of which he is conscientiously opposed to acceptance of the benefits of any private or public insurance which makes payments in the event of death, disability, old-age, or retirement or makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Social Security Act).

26 U.S.C. § 1402(g)(1).

## App. 5

To qualify for the exemption, an individual must prove "membership in, and adherence to the tenets or teachings of, the sect or division thereof" and must waive "all benefits and other payments" under the Social Security and Medicare programs. 26 U.S.C. § 1402(g)(1)(A)–(B). In addition, the Commissioner of Social Security must find that (i) the "sect or division thereof has the [relevant] established tenets or teachings[.]" (ii) "it is the practice \* \* \* for members of such sect or division thereof to make provision for their dependent members," and (iii) "such sect or division thereof has been in existence at all times since December 31, 1950." *Id.* § 1402(g)(1)(C)–(E).<sup>3</sup>

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<sup>3</sup> Specifically, an application for religious exemption under Section 1402(g)(1) "may be granted only if the application contains or is accompanied by—

(A) such evidence of such individual's membership in, and adherence to the tenets or teachings of, the sect or division thereof as the Secretary may require for purposes of determining such individual's compliance with the preceding sentence, and

(B) his waiver of all benefits and other payments under titles II and XVIII of the Social Security Act on the basis of his wages and self-employment income as well as all such benefits and other payments to him on the basis of the wages and self-employment income of any other person, and only if the Commissioner of Social Security finds that—

(C) such sect or division thereof has the established tenets or teachings referred to in the preceding sentence,

(D) it is the practice, and has been for a period of time which he deems to be substantial, for members of such sect or division thereof to make provision for their dependent members which in his judgment is reasonable in view of their general level of living, and

(E) such sect or division thereof has been in existence at all times since December 31, 1950.

26 U.S.C. § 1402(g)(1)(A)–(E).

## App. 6

The Affordable Care Act religious exemption thus comes as a package deal with the Medicare and Social Security religious exemption. The qualifications for each include not only sincere religious belief, but also membership in a group with an established track record of providing care for its members in need and thus ensuring that the cost of their care is not transferred to the public.

Aside from the coverage requirement for individuals, the Affordable Care Act imposes a number of requirements on insurance providers and employers who offer health insurance to their workers, such as the guaranteed availability of coverage and a prohibition on refusing coverage due to an applicant's pre-existing medical condition. *See* 42 U.S.C. § 300gg-1. The Centers for Medicare and Medicaid Services ("the Centers"), which is part of the Department of Health and Human Services, oversees the implementation of many of the legislatively mandated changes.

Several of the Affordable Care Act's new requirements were scheduled to take effect on January 1, 2014, including provisions governing insurance premiums and discrimination on the basis of preexisting conditions. *See* 42 U.S.C. § 300gg (relating to fair health insurance premiums); *id.* § 300gg-1 (relating to guaranteed availability of coverage and ban on pre-existing condition requirements); *id.* § 300gg (note) (effective date). But the Centers determined that many "affected individuals and small businesses \* \* \* [were] finding that [Affordable Care Act-compliant] coverage would be more expensive than their current coverage, and thus they may be dissuaded from immediately transitioning to such coverage." Letter

## App. 7

from Gary Cohen, Director, Center for Consumer Information and Insurance Oversight, Centers for Medicare and Medicaid Services, to State Insurance Commissioners, Nov. 14, 2013, at 1.<sup>4</sup> Accordingly, the Centers announced a “transitional policy” under which “health insurance issuers may choose to continue coverage that would otherwise be terminated or cancelled” as non-compliant with the Affordable Care Act, and the renewed plans “will not be considered to be out of compliance” with the statute. *Id.* The announcement also “encouraged” state insurance regulators to “adopt the same transitional policy[.]” *Id.* at 3. That transition period was ultimately extended until October 1, 2016. *See* Centers for Medicare and Medicaid Services, Insurance Standards Bulletin Series – Extension of Transitional Policy through Oct. 1, 2016 (March 5, 2014).<sup>5</sup>

**Factual and Procedural History**

Jeffrey Cutler is a resident of Pennsylvania. Complaint ¶ 1, J.A. 11. He is “financially stable, has an annual income that requires him to file federal tax returns, and could afford health insurance if he wanted to obtain such coverage.” *Id.* ¶ 5, J.A. 12. He is non-observant in his religion, and does not qualify for the Affordable Care Act’s religious exemption. *Id.* He is “not covered, nor wishes to be mandated to be covered, under any health insurance plan” meeting the

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<sup>4</sup> Available at <http://www.cms.gov/CCIIO/Resources/Letters/Downloads/commissioner-letter-11-14-2013.PDF> (last visited August 6, 2015).

<sup>5</sup> Available at <http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/transition-to-compliant-policies-03-06-2015.pdf> (last visited August 6, 2015).

## App. 8

Affordable Care Act's requirements. *Id.* ¶ 15, J.A. 15. He alleges that he "had health insurance which was cancelled due to the changes specified by regulations that altered the law as approved." *Id.* ¶ 24, J.A. 17. He "does not want to be forced to purchase health insurance." *Id.*

Cutler, proceeding *pro se*, filed suit in the United States District Court for the District of Columbia to challenge the Affordable Care Act as unconstitutional, both facially and as applied to him. Complaint ¶ 20, J.A. 16. Specifically, his complaint alleged that the religious exemption in the Act violates the First Amendment's guarantee of religious freedom. *Id.* ¶ 1, J.A. 11.

Cutler later filed a motion for partial summary judgment, in which he raised for the first time a separate claim that the transitional policy, as implemented, violates his "rights under the Equal Protection Clause in the Fourteenth Amendment[.]" Plaintiff's Motion for Partial Summary Judgment at 2, J.A. 23. Specifically, he objected that "state insurance commissioners are now empowered to override the law—"if you like your plan you can keep it, but only in NY, CT, CA, etc." *Id.*

The district court granted the government's motion to dismiss, reasoning that Cutler lacked standing to bring either claim. *See Cutler v. Department of Health and Human Services*, 52 F. Supp. 3d 27, 33 (D.D.C. 2014). As for equal protection, the court noted that Cutler "makes no claim as to how he is injured \* \* \* by

## App. 9

the alleged fact that the Act will be enforced differently in different states.” *Id.* at 35 n.4.<sup>6</sup>

With respect to the Establishment Clause challenge, the district court found no standing because Cutler “bases his challenge to the religious exemption on the fact that such exemptions harm everyone by their mere existence and not that the exemption personally harms him.” *Cutler*, 52 F. Supp. 3d at 37. The court reasoned that, even if Cutler’s Establishment Clause challenge succeeded, “[h]e would be subject to the individual mandate and would be required to either obtain health insurance coverage or pay the penalty,” and so “the fact that he is subject to the individual mandate[] is not redressed by declaring the religious exemption invalid.” *Id.* at 38. The court did not agree with Cutler that, if it found the religious exemption invalid, it would have to strike down the entire law. *Id.*

Nevertheless, “given the evolution of the taxpayer standing doctrine and in an abundance of caution,” the court addressed Cutler’s exemption challenge on the merits. *Cutler*, 52 F. Supp. 3d at 38 (internal citations omitted). The court followed the Fourth Circuit’s decision in *Liberty University v. Lew*, 733 F.3d 72 (4th Cir. 2013), and held that the exemption served a secular legislative purpose, had the primary effect of

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<sup>6</sup> Although Cutler brought his equal protection challenge under the Fourteenth Amendment, which applies to the States and not to the federal defendants, the district court treated Cutler’s claim as if it were brought under the equal protection component of the Fifth Amendment’s Due Process Clause, which applies to the federal government. *Cutler*, 52 F. Supp. 3d at 31 n.3; see also, e.g., *Pollack v. Duff*, --- F.3d ---, 2015 WL 4079788 (D.C. Cir. July 7, 2015) (“[T]he principle of equal protection indisputably applies to the federal government as well as to the states.”). We do likewise.

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ensuring coverage rather than advancing or inhibiting religion, and created no excessive entanglement with religion. *See Cutler*, 52 F. Supp. 3d at 39–40. The district court also noted that the religious exemption in the Affordable Care Act “incorporates the same provision of the Social Security Amendments of 1965,” which courts have repeatedly upheld against Establishment Clause challenge. *Id.* at 40 n.8.

## II

### Analysis

#### *Standard of Review*

We review the district court’s dismissal of Cutler’s complaint on both standing and merits grounds *de novo*. *See Brown v. Whole Foods Market Group, Inc.*, 789 F.3d 146, 150 (D.C. Cir. 2015). In so doing, we accept the factual allegations in the complaint as true, and grant Cutler the benefit of all reasonable inferences that can be drawn in his favor. *See id.* And because Cutler proceeded below without counsel, we hold his district court filings to “less stringent standards than formal pleadings drafted by lawyers[.]” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)).

#### Establishment Clause Challenge

##### *Standing*

The first thing we must decide is whether we can decide. If Cutler lacks standing to bring his claims in federal court, then we are powerless to decide the case and must dismiss it. *See, e.g., Florida Audubon Society v. Bentsen*, 94 F.3d 658, 663 (D.C. Cir. 1996) (“[A]



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showing of standing 'is an essential and unchanging predicate to any exercise of our jurisdiction.'" (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)).

The "irreducible constitutional minimum of standing" is that (i) the plaintiff suffered an "injury in fact," meaning "an invasion of a legally protected interest" that is "concrete and particularized" and "actual or imminent, not conjectural or hypothetical"; (ii) the injury must be "fairly traceable to the challenged action of the defendant"; and (iii) a favorable decision by the court must be likely to redress the injury. *Lujan*, 504 U.S. at 560-561 (internal citations, quotation marks, and alterations omitted).

The party invoking federal jurisdiction bears the burden of showing each of those elements, "with the manner and degree of evidence required at the successive stages of the litigation." *Lujan*, 504 U.S. at 561. Because the district court dismissed this case at the complaint stage, Cutler need only make a plausible allegation of facts establishing each element of standing. See *Price v. Socialist People's Libyan Arab Jamahiriya*, 294 F.3d 82, 93 (D.C. Cir. 2002) ("[W]here the defendant contests only the legal sufficiency of plaintiff's jurisdictional claims, the standard is similar to that of Rule 12(b)(6), under which dismissal is warranted if no plausible inferences can be drawn from the facts alleged that, if proven, would provide grounds for relief."). In evaluating standing at this juncture, we must assume that the party asserting federal jurisdiction is correct on the legal merits of his claim, "that a decision on the merits would be favorable and

## App. 12

that the requested relief would be granted[.]” *In re Thornburgh*, 869 F.2d 1503, 1511 (D.C. Cir. 1989).

Applying those standards, we conclude that Cutler has standing to bring his Establishment Clause challenge to the religious exemption. His objection is straightforward: Because he is neither a member of a religious group that qualifies for the religious exemption nor religiously opposed to obtaining insurance, he must either pay for a statutorily compliant insurance plan or pay a penalty. Cutler argues that allowing individuals to avoid both paying for insurance and paying the penalty if they abjure insurance for religious reasons, but not if they abjure it for secular reasons, violates the Establishment Clause because it favors faith over his non-belief. In so doing, Cutler has adequately alleged an injury in fact to his constitutional right not to be treated differently—not to be penalized for lacking insurance—just because he is not religiously motivated. *See, e.g., McCreary County, Kentucky v. American Civil Liberties Union of Kentucky*, 545 U.S. 844, 860 (2005) (“[T]he First Amendment mandates governmental neutrality between \* \* \* religion and nonreligion.”) (internal citation and quotation marks omitted). That injury, in turn, stems directly from the religious exemption in the Affordable Care Act, as that is what causes him to be subject to a penalty when religious objectors to purchasing insurance are not. *See Sissel v. United States Dep’t of Health and Human Services*, 760 F.3d 1, 5 (D.C. Cir. 2014); *see generally Lujan*, 504 U.S. at 560 (injury must be “fairly traceable to the challenged action of the defendant”) (internal quotation marks and alterations omitted).

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Finally, because we must assume at this stage that the requested relief would be granted, Cutler satisfies the redressability prong of the standing inquiry. In his complaint, Cutler seeks wholesale invalidation of the Affordable Care Act, *see* Complaint, Prayer ¶ 4, while his appellate briefing suggests that he might be satisfied with a court order “enjoining the enforcement of the penalty provision as applied against Plaintiff,” Cutler Br. 18. Either way, if this court were to give Cutler what he wants, his Establishment Clause injury—the differential treatment because of his lack of religious objection—would disappear. *See In re Thornburgh*, 869 F.2d at 1511 (“[T]he redressability test asks whether a plaintiff’s injury would be likely to be redressed *if the requested relief were granted.*”) (emphasis in original).

The district court read Cutler’s complaint as asserting injury solely in his objection to the existence of a religious exemption, which the court deemed to be the type of “generalized grievance” that will not support standing. *Cutler*, 52 F. Supp. 3d at 37. That was mistaken. Cutler is explicit that he is injured by being forced to choose between paying for compliant insurance and paying a penalty. That is the type of direct and concrete injury that satisfies Article III, *see Sissel*, 760 F.3d at 5, regardless of how many other people face the same financial choice. “[A]n injury shared by a large number of people is nonetheless an injury.” *Center for Auto Safety v. National Highway Traffic Safety Admin.*, 793 F.2d 1322, 1324 (D.C. Cir. 1986); *see also Federal Election Comm’n v. Akins*, 524 U.S. 11, 24 (1998) (“[W]here a harm is concrete, though widely shared, the Court has found injury in fact.”) (internal citation and quotation marks omitted).

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The government argues that removing the religious exemption—while leaving the rest of the Affordable Care Act in place—would leave Cutler in precisely the same position with respect to his own obligations under the Act. The Supreme Court rejected the exact same standing argument in *Arkansas Writers' Project, Inc. v. Ragland*, 481 U.S. 221 (1987). The Arkansas Writers' Project challenged the constitutionality of a tax exemption afforded to some newspapers and journals, but not to its magazine. Just as the government argues here, the state supreme court had ruled that the constitutional challenge that the tax was “invalid, as discriminatory” was not properly raised: “[I]t would avail [appellant] nothing if it wins its argument” since “it is the exemption that would fall, not the tax against” the appellant. *Id.* at 226 (quoting *Ragland v. Arkansas Writers' Project*, 698 S.W.2d 802, 803 (Ark. 1985)) (brackets in original).

The U.S. Supreme Court thought otherwise. Reasoning that the “constitutional attack holds the only promise of escape from” the differential “burden,” the Supreme Court held that the Arkansas Writers' Project did have Article III standing. *Arkansas Writers' Project*, 481 U.S. at 227 (quoting *Orr v. Orr*, 440 U.S. 268, 273 (1979)). To adopt the state's “notion of standing,” the Supreme Court concluded, would “effectively insulate underinclusive statutes from constitutional challenge[.]” *Id.*

Moreover, in analyzing the redressability prong of standing, it must be remembered that “a court sustaining” an equal protection claim faces “two remedial alternatives: [it] may either declare [the statute] a nullity and order that its benefits not extend

## App. 15

to the class that the legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by the exclusion.” *Heckler v. Matthews*, 465 U.S. 728, 738–739 (1984)) (quoting *Welsh v. United States*, 398 U.S. 333, 361 (1970) (Harlan, J., concurring in the result)); *see also, e.g., Jacobs v. Barr*, 959 F.2d 313, 317 (D.C. Cir. 1992) (same); *Dumaguin v. Secretary of Health and Human Services*, 28 F.3d 1218, 1222 (D.C. Cir. 1994) (same). Thus, because one response to the differential-treatment challenge would be for the government to expand the exemption and treat Cutler’s non-religious objection to obtaining insurance equally, and “we have no way of knowing how the [government] will in fact respond,” Cutler “must be held to have standing here.” *Orr v. Orr*, 440 U.S. 268, 272 (1979).

***Challenges to the Religious Exemption***

Settled precedent answers Cutler’s argument that the Affordable Care Act’s religious accommodation provision runs afoul of the Establishment Clause. The religious exemption in the Affordable Care Act, like its counterpart in the Social Security Act, accommodates religion by exempting all believers whose faith system provides an established, alternative support network that ensures individuals will not later seek to avail themselves of the federal benefits for which they did not contribute. Cutler is correct that the Affordable Care Act withholds a similar exemption for non-believers. But the Supreme Court has repeatedly held that “the government may accommodate religious practices without violating the Establishment Clause.” *Cutter v. Wilkinson*, 544 U.S. 709, 713 (2005) (internal citations, quotation marks, and alterations omitted);

## App. 16

see also *Locke v. Davey*, 540 U.S. 712, 718 (2004); *Hobbie v. Unemployment Appeals Comm'n of Florida*, 480 U.S. 136, 144 (1987).

Even more to the point, the Supreme Court has addressed the religious exemption in the Social Security Act that the Affordable Care Act replicates as an “accommodat[ion], to the extent compatible with a comprehensive national program, [of] the practices of those who believe it a violation of their faith to participate in the social security system.” *United States v. Lee*, 455 U.S. 252, 260 (1982). In creating that exemption, the Supreme Court continued, Congress “provided for a narrow category which was readily identifiable,” in a manner “sensitive to the needs flowing from the Free Exercise Clause.” *Id.* at 260–261.

The religious accommodation in the Affordable Care Act, like the Social Security exemption it mirrors, is narrow. The exemption is available only to those (i) whose sincere religious beliefs prevent them from subscribing to any form of health insurance, and (ii) whose faith communities have a demonstrated track record of taking care of their dependent members. Those factors together alleviate any Establishment Clause concerns in two ways.

First, by limiting the exemption to those whose sincerely held faith beliefs flatly forbid participation in the federal program, the accommodation is carefully confined to “alleviat[ing] exceptional government-created burdens on private religious exercise.” *Cutter*, 544 U.S. at 720. Democratic government, after all, cannot survive if every political or personal objection to a government-imposed obligation must be accommodated. Confining the exemption to members of

## App. 17

faith groups for whom an established and pre-existing belief system forbids the benefits as well as the burdens of the governmental program allows those believers to avoid “a hard choice between contravening imperatives of religion and conscience or suffering penalties.” *Gillette v. United States*, 401 U.S. 437, 445 (1971); see also *Employment Division, Dep’t of Human Resources of Oregon v. Smith*, 494 U.S. 872, 890 (1990) (“[A] society that believes in the negative protection accorded to religious belief can be expected to be solicitous of that value in its legislation as well.”); *Lee v. Weisman*, 505 U.S. 577, 628 (1992) (Souter, J., concurring) (“[G]eneral rules can unnecessarily offend the religious conscience when they offend the conscience of secular society not at all.”); *Board of Education of Kiryas Joel Village School District v. Grumet*, 512 U.S. 687, 715 (1994) (O’Connor, J., concurring in part and concurring in the judgment) (“What makes accommodation permissible, even praiseworthy, is not that the government is making life easier for some particular religious group as such. Rather, it is that the government is accommodating a deeply held belief.”).

*Second*, the requirement that the faith system have a proven track record of providing an alternative safety net for members helps to ensure that the religious adherents will not later seek to avail themselves of public services to which they have not contributed. The Affordable Care Act, just like the Social Security exemption, is carefully calibrated to protect the government—and thus taxpayers who do not share the religious sensibilities of those covered by the exemption—from later having to pick up the tab from which the adherent has been exempted. See *Cutter*, 544



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U.S. at 722 (“Our decisions indicate that an accommodation must be measured so that it does not override other significant interests.”).

Cutler argues that the exemption impermissibly discriminates between religions, exempting only those that meet the foregoing criteria. That argument fails because the qualifications for exemption are not drawn on sectarian lines; they simply sort out which faiths have a proven track record of adequately meeting the statutory goals. And the exemption promotes the Establishment Clause’s concerns by ensuring that those without religious objections do not bear the financial risk and price of care for those who exempt themselves from the tax. As configured by this specific statutory framework, that is an objective, non-sectarian basis for cabining the exemption’s reach. *See Cutter*, 544 U.S. at 720 (government “must take adequate account of the burdens a requested accommodation may impose on nonbeneficiaries”); *see also Children’s Healthcare is a Legal Duty, Inc. v. Min De Parle*, 212 F.3d 1084, 1091 (8th Cir. 2000).

**Equal Protection Claim**

Cutler alleges that the transitional policy, which allows States to permit the issuance of non-Affordable Care Act compliant insurance plans for an interim period, deprives him of equal protection of the law. As Cutler understands the law, the transitional policy allows States to choose not only to delay implementation of the Affordable Care Act’s requirements and thus *allow* non-compliant plans, but also to *force* insurers to continue to offer non-compliant plans. Cutler claims that Arkansas has done just that, requiring insurers to continue issuing policies that



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flunk the Affordable Care Act's requirements. Pennsylvania, where Cutler lives, has merely opted to allow—but not demand—non-compliant plans to continue. So, according to Cutler's allegations, if he lived in Arkansas, his old insurance plan would have remained available to him, and he would not have to pay a tax penalty. Because he lives in Pennsylvania where the law permitted his insurance company to cancel his plan, he cannot go back to his old insurance plan and, as a result, Cutler must either pay the penalty or subscribe to a different plan against his will.

It is highly dubious whether that argument even plausibly alleges an Article III injury because Arkansas law, on its face, does not require insurers to offer non-compliant plans. A quick glance at the Arkansas insurance bulletin upon which Cutler relies (but declines to quote) reveals that Arkansas, like Pennsylvania, permits but does not compel the continuation of non-compliant plans during the transition period. *See* Arkansas Insurance Dep't, Bulletin No. 6-2014 (March 6, 2014) ("[T]he Department *suggests* that insurers credit or adjust rates for those groups which have already renewed under [Affordable Care Act] compliance rates, and permit re-enrollment of the group in the earlier [*i.e.*, non-compliant] plan, if the group desired or desires to renew under the earlier non-grandfathered plan.") (emphasis added).<sup>7</sup> In other words, Cutler has not even colorably alleged a differential-treatment injury because there is no differential treatment.

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<sup>7</sup> Available at <http://www.insurance.arkansas.gov/Legal/Bulletins/6-2014.pdf> (last visited August 6, 2015).

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In any event, Cutler lacks Article III standing to pursue his equal protection challenge because his alleged injury is not fairly traceable to the transitional policy, nor would it be redressed by striking down that policy. The transitional policy applies evenhandedly across the United States, so if Cutler cannot obtain the insurance he desires and others can, that is because his own insurer cancelled his policy. Cutler's injury is thus the result of the action of his private insurer, not the transitional policy, and it is purely speculative whether an order in this case would alter or affect the non-party insurers' decision. See *Simon v. Eastern Kentucky Welfare Rights Org.*, 416 U.S. 26, 41-42 (1976); *National Wrestling Coaches Ass'n v. Department of Education*, 366 F.3d 930, 938 (D.C. Cir. 2004) (no standing because it is "purely speculative that a requested change in government policy will alter the behavior of the regulated third parties that are the direct cause of the plaintiff's injuries").

## III

## Conclusion

Cutler has standing to litigate his Establishment Clause claim, but it fails on the merits. He lacks standing to press his equal protection challenge.

*So ordered.*

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**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**September Term, 2014**

**No. 14-5183**

**[Filed August 14, 2015]**

JEFFREY CUTLER,	)
APPELLANT	)
	)
v.	)
	)
UNITED STATES DEPARTMENT OF	)
HEALTH AND HUMAN SERVICES, ET AL.,	)
APPELLEES	)

Appeal from the United States District Court  
for the District of Columbia  
(No. 1:13-cv-02066)

**J U D G M E N T**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the judgment of the District Court appealed from in this cause be reversed as to Cutler's standing to press his Establishment Clause challenge, and be affirmed both as to the merits of his Establishment Clause claim and his lack of standing to press his equal protection challenge, in accordance with the opinion of the court filed herein this date.

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**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk

Date: August 14, 2015

Opinion for the court filed by Circuit Judge Millett.

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**APPENDIX B**

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Civil Action No. 13-2066 (CKK)**

**[Filed June 25, 2014]**

JEFFREY CUTLER,	)
	)
Plaintiff,	)
	)
v.	)
	)
UNITED STATES DEPARTMENT OF	)
HEALTH AND HUMAN SERVICES, <i>et al.</i>	)
	)
Defendants.	)

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**MEMORANDUM OPINION**

(June 25, 2014)

Plaintiff Jeffrey Cutler brings this action against Defendants the United States Department of Health and Human Services, Sylvia Matthews Burwell, in her official capacity as Secretary of Health and Human Services,<sup>1</sup> United States Department of Treasury, and Jacob Lew, in his official capacity as Secretary of the Treasury (collectively "Defendants"), asserting claims

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Sylvia Matthews Burwell has been automatically substituted for Kathleen Sebelius, whom the parties' pleadings name as Defendant.

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that Congress exceeded its authority under the Commerce Clause when enacting the Patient Protection and Affordable Care Act (“Affordable Care Act” or “the Act”), that the Act violates the First Amendment, and that the Act has been impermissibly altered since its enactment. Currently before the Court is Defendants’ [9] Motion to Dismiss, Plaintiffs’ [12] Motion for Partial Summary Judgment, and Plaintiffs’ [18] Renewed Motion for Partial Summary Judgment. Upon consideration of the pleadings,<sup>2</sup> the relevant legal authorities, and the record as a whole, the Court GRANTS Defendants’ [9] Motion to Dismiss. Given its ruling on the Motion to Dismiss, the Court DENIES Plaintiffs’ [12] Motion for Partial Summary Judgment and DENIES Plaintiffs’ [18] Renewed Motion for Partial Summary Judgment.

## I. BACKGROUND

### A. Statutory Background

In 2010, Congress enacted the Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010). Compl. ¶ 1. The purpose of the Act was to “increase the number of Americans covered by health insurance and decrease the cost of health care.” *Nat’l Fed’n of Indep. Bus. v. Sebelius*, --- U.S. ---, ---, 132 S. Ct. 2566, 2580 (2012). A portion of the Act, commonly known as the “individual mandate,” requires all nonexempt United States citizens to either obtain “minimal essential” health

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<sup>2</sup> Compl., ECF No. [1]; Defs.’ Mot. to Dismiss, ECF No. [9] (“Defs.’ MTD”); Pl.’s Mot. for Part. Summ. J., ECF No. [12] (“Pl.’s MPSJ”); Pl.’s Resp. for Mot. to Dismiss, ECF No. [14] (“Pl.’s Resp.”); Defs.’ Reply Br., ECF No. [15] (“Defs.’ Reply Br.”); Pl.’s Resp. to Br., ECF No. [17] (“Pl.’s Resp. to Br.”); Pl.’s Renewed Mot. for Part. Summ. J., ECF No. [18] (“Pl.’s Renewed MPSJ”).

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insurance coverage as defined in the Act or pay a penalty. Compl. ¶ 1; *see also* 26 U.S.C. § 5000A (2010). The Act provides certain exemptions to the individual mandate, including one for persons certified as members of an exempt religion or sect, and for members of a health care sharing ministry. Compl. ¶ 1; *see also* 26 U.S.C. § 5000A(d)(2) (2010).

**B. Factual Background**

The following facts are taken from the Plaintiff's Complaint and must be accepted as true for purposes of a motion to dismiss. *See Atherton v. D.C. Office of the Mayor*, 567 F.3d 672, 681 (D.C. Cir. 2009). Plaintiff is a citizen of the United States and a permanent resident of the Commonwealth of Pennsylvania. Compl. ¶ 5. In November 2013, Plaintiff won a municipal election in East Lampeter Township, Pennsylvania, and will serve a 4-year term as a result. *Id.* Plaintiff is "lawfully bound to uphold the laws of Pennsylvania, and the United States Government." *Id.* Plaintiff's annual income is such that he is required to file federal tax returns. *Id.* Plaintiff is subject to the individual mandate of the Act and cannot claim any exemptions. *Id.* ¶ 15. Specifically, Plaintiff is non-observant in his religion and cannot claim a religious exemption from the individual mandate pursuant to 26 U.S.C. § 5000A(d)(2). *Id.* ¶ 5.

Plaintiff's health insurance was canceled "due to the changes specified by regulations that altered the law as approved." *Id.* ¶ 24. Plaintiff currently is not covered under a plan that meets the requirements of minimal essential coverage. *Id.* ¶ 15. Plaintiff can afford health insurance however, Plaintiff does not "wish[] to be mandated to be covered." *Id.* ¶¶ 5, 15. On January 1,

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2014 or at "some other date as altered by decree," Plaintiff will incur penalties for failing to maintain minimum essential coverage. *Id.* ¶ 16.

### C. Procedural History

On December 31, 2013, Plaintiff filed suit against Defendants in this Court. Plaintiff argues that the individual mandate of the Affordable Care Act is unconstitutional on its face and as applied to him and his constituents. Plaintiff asserts three specific claims in his Complaint: (1) Congress does not have the authority to enact the individual mandate or provide the religious exemption under its Commerce Clause powers, Compl. ¶¶ 30-33; (2) the religious exemption to the individual mandate violates the First Amendment by favoring one religion over another and allowing the government to certify who qualifies for the exemption based on religion, Compl. ¶¶ 1, 30, 32, 33; and (3) alterations to the Act since its passage violate 42 U.S.C. § 18112, Compl. at 11.

Accordingly, Plaintiff requests that the Court issue a declaratory judgment that the individual mandate of the Affordable Care Act exceeds Congress' authority under the Commerce Clause, Art. I, § 8, cl. 3. Compl. at 10-11. Plaintiff also requests a declaratory judgment that the entirety of the Affordable Care Act is invalid because the individual mandate is an integral component of the Act. *Id.* 11. Plaintiff also seeks a permanent injunction enjoining Defendants and their agents, representatives and employees from giving effect to the Affordable Care Act, because the government's alterations to the law violate 14 U.S.C. § 18112. *Id.*



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In response to this Complaint, Defendants filed their [9] Motion to Dismiss, contending that Plaintiff lacks Article III standing to bring this Complaint and contending that Plaintiff failed to state a viable Establishment Clause claim.

In addition to the Complaint, Plaintiff filed his [12] Motion for Partial Summary Judgment, requesting that the Court enter a permanent injunction enjoining Defendants from enforcing the Affordable Care Act, and delay all parts of the Act that have an effective date of January 1, 2014, or later, because the Act violates the Equal Protection Clause.<sup>3</sup> Plaintiff also filed a [18] Renewed Motion for Partial Summary Judgment with his response to Defendants' Motion to Dismiss.

## II. LEGAL STANDARD

### A. Motion to Dismiss under Rule 12(b)(1)

To survive a motion to dismiss pursuant to Rule 12(b)(1), the plaintiff bears the burden of establishing

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<sup>3</sup> Plaintiff alleges that he brings this claim under the Fourteenth Amendment. Pl's MPSJ at 2. However, since Plaintiff sues only federal and not state actors in their official capacities, it is clear that he brings no valid claims pursuant to the Fourteenth Amendment of the United States Constitution: "No *State* shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV (emphasis added). This Court shall treat this as a claim brought under the Fifth Amendment. See *Klayman v. Zuckerberg*, Civ. No. 13-7017, 2014 WL 2619847, at \*2 (D.C. Cir. June 13, 2014) ("Normally we afford a liberal reading to a complaint filed by a *pro se* plaintiff.").

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that the Court has subject matter jurisdiction over its claim. *Moms Against Mercury v. FDA*, 483 F.3d 824, 828 (D.C. Cir. 2007). In determining whether there is jurisdiction, the Court may “consider the complaint supplemented by undisputed facts evidenced in the record, or the complaint supplemented by undisputed facts plus the court’s resolution of disputed facts.” *Coal. for Underground Expansion v. Mineta*, 333 F.3d 193, 198 (D.C. Cir. 2003) (citations omitted). “At the motion to dismiss stage, counseled complaints, as well as *pro se* complaints, are to be construed with sufficient liberality to afford all possible inferences favorable to the pleader on allegations of fact.” *Settles v. U.S. Parole Comm’n*, 429 F.3d 1098, 1106 (D.C. Cir. 2005). “Although a court must accept as true all factual allegations contained in the complaint when reviewing a motion to dismiss pursuant to Rule 12(b)(1),” the factual allegations in the complaint “will bear closer scrutiny in resolving a 12(b)(1) motion than in resolving a 12(b)(6) motion for failure to state a claim.” *Wright v. Foreign Serv. Grievance Bd.*, 503 F. Supp. 2d 163, 170 (D.D.C. 2007) (citations omitted).

**B. Motion to Dismiss under Rule 12(b)(6)**

Fed. R. Civ. P. 12(b)(6) requires that a complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief,” in order to “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)); accord *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (*per curiam*). Although “detailed factual allegations” are not necessary to withstand a Rule 12(b)(6) motion to dismiss, to provide

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the “grounds” of “entitle[ment] to relief,” a plaintiff must furnish “more than labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” *Id.* at 555. “[A] complaint [does not] suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 557). Rather, a complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

In evaluating a Rule 12(b)(6) motion to dismiss for failure to state a claim, the court must construe the complaint in a light most favorable to the plaintiff and must accept as true all reasonable factual inferences drawn from well-pleaded factual allegations. *In re United Mine Workers of Am. Employee Benefit Plans Litig.*, 854 F. Supp. 914, 915 (D.D.C. 1994). Further, the Court is limited to considering the facts alleged in the complaint, any documents attached to or incorporated in the complaint, matters of which the court may take judicial notice, and matters of public record. *See EEOC v. St. Francis Xavier Parochial Sch.*, 117 F.3d 621, 624 (D.C. Cir. 1997). “This includes documents . . . that are referred to in the complaint and [ ] central to the plaintiff’s claim.” *Long v. Safeway, Inc.*, 842 F. Supp. 2d 141, 144 (D.D.C. 2012) (internal alteration and citation omitted).

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### III. DISCUSSION

#### A. Article III Standing

“To satisfy the requirements of Article III standing in a case challenging government action, a party must allege an injury in fact that is fairly traceable to the challenged government action, and ‘it must be likely, as opposed to merely speculative, that the injury will be ‘redressed by a favorable decision.’” *National Wrestling Coaches Ass’n. v. Dep’t of Educ.*, 366 F.3d 930, 937 (D.C. Cir. 2004) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (internal quotation marks omitted)). It is axiomatic that the “party invoking federal jurisdiction bears the burden of establishing these elements” of constitutional standing. *Lujan*, 504 U.S. at 561. As the Supreme Court has explained:

We have no power *per se* to review and annul acts of Congress on the ground that they are unconstitutional. The question may be considered only when the justification for some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act. . . . The party who invokes the power must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally.

*Hein v. Freedom from Religion Found., Inc.*, 551 U.S. 587, 599 (2007) (quoting *Massachusetts v. Mellon*, 262 U.S. 447, 488 (1923)).

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Here, Plaintiff seeks to bring his complaint on his own behalf as well as on behalf of his constituents in his capacity as a recently elected official in his municipality. Compl. ¶ 1. The Court shall separately address Plaintiff's standing to bring the claim as an elected official and as an individual. For the reasons described herein, the Court concludes that Plaintiff does not have standing to bring this suit in either capacity.

**a. Standing as an Elected Official**

Plaintiff makes two arguments to support his claim for standing as an elected official. First, Plaintiff seeks to bring his Complaint on behalf of his constituents in his role as their representative. Compl. ¶ 1. Plaintiff also seeks to bring this challenge in his capacity as an elected official based on the notion that the Act will harm his reputation among his constituents. Compl. ¶ 26.

A narrow avenue for standing has been recognized when a legislator seeks to challenge a Congressional act on the basis that the act has diminished his power in his capacity as an elected official. *See Raines v. Byrd*, 521 U.S. 811 (1997); *Coleman v. Miller*, 307 U.S. 433 (1939). In *Coleman v. Miller*, the Court held that state legislators who voted against the ratification of an amendment to the United States Constitution had standing to challenge the ratification of the amendment after the state's Lieutenant Governor cast the deciding vote. 307 U.S. at 438. The Court later clarified that its holding in *Coleman* stands "for the proposition that legislators whose votes would have been sufficient to defeat (or enact) a specific legislative act have standing to sue if that legislative action goes

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into effect (or does not go into effect), on the ground that their votes have been completely nullified.” *Raines*, 521 U.S. at 823. In *Raines v. Byrd*, the Court emphasized that, in actions brought by legislators, “plaintiff’s complaint must establish that he has a ‘personal stake’ in the alleged dispute, and that the alleged injury suffered is particularized as to him.” *Id.* at 819 (holding that members of Congress did not have standing to challenge the Line Item Veto Act passed by Congress that gave the President power to cancel items in any bill). Accordingly, congressional standing may be appropriate in the very limited situation where an elected official has no legislative remedy to correct an alleged injury to his own power as a legislator. *Campbell v. Clinton*, 203 F.3d 19, 22-23 (D.C. Cir. 2000), *cert. denied*, 531 U.S. 815 (2000) (holding that U.S. Congressmen did not have standing to obtain a declaratory judgment that the President’s use of forces in Yugoslavia violated the War Powers Clause and the War Powers Resolution because the legislators had other remedies available, including passing a law to forbid the objected-to use of forces); *see Kucinich v. Obama*, 821 F. Supp. 2d 110, 120 (D.D.C. 2011) (noting that “nullification” of votes, and not general, institutional injury, is required to establish injury sufficient to find legislator standing).

Other courts have declined to carve out an exception to *Raines* to extend standing to elected officials who seek to bring claims in their representational capacity as trustees of their constituents, rather than in their legislative capacity. *Ctr. for Biological Diversity v. Brennan*, 571 F. Supp. 2d 1105, 1128 (N.D. Cal. 2007) (holding that *Raines* barred a U.S. Senator and a U.S. Representative from establishing standing in their

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representational capacity to intervene in a case involving a claim brought by three environmental groups alleging that certain officials failed to comply with provisions of the Global Change Research Act); *Kuchinich v. Def. Fin. & Accounting Serv.*, 183 F. Supp. 2d 1005, 1010 (N.D. Ohio 2002) (holding that a U.S. Representative did not have standing in his representational capacity to bring a claim that the Department of Defense violated a federal law and the U.S. Constitution by awarding a particular contract to a private group). Courts have found that a legislator seeking to bring claims on behalf of his constituents based solely on the fact that he is an elected official fails to meet the requirement that the party has a personal stake in the alleged dispute. *Ctr. for Biological Diversity*, 571 F. Supp. 2d at 1128; *Kuchinich*, 183 F. Supp. 2d at 1009-10.

Here, Plaintiff is unable to, and does not, claim that there is an injury to his legislative power as an elected official within the holding of *Coleman*. The Affordable Care Act was enacted by Congress in 2010. Compl. ¶ 1. Plaintiff was not elected as an official in his municipality until 2013, three years after the Act was passed, and never had the authority to vote on the Act in the first place because he is a local official, not a member of Congress. Plaintiff attempts to bring this Complaint on behalf of his constituents in his representational capacity as an elected official bound by oath to uphold the law. *Id.* Plaintiff's claim for establishing standing on behalf of his constituents appears to be that his constituents will be subject to the individual mandate. In this regard, Plaintiff has failed to establish an alleged injury particularized to him or his constituents, but instead asserts that a



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generalized injury is shared equally by all citizens. Plaintiff, his constituents, and all nonexempt citizens are subject to the individual mandate. *See Warth v. Seldin*, 422 U.S. 490, 499 (1975) (“When the asserted harm is a ‘generalized grievance’ shared in substantially equal measure by all or a large class of citizens, that harm alone normally does not warrant exercise of jurisdiction.”). Accordingly, Plaintiff has failed to allege any injury that is particularized as to him as an elected official in his representational capacity.

Plaintiff further asserts that he is injured by the individual mandate because he fears that his “personal and professional reputation will be tarnished due to the penalties his constituents will face if they fail to purchase government-mandated health insurance.” Compl. ¶ 26. To satisfy his burden, Plaintiff cannot rest on “mere allegations” and must set forth specific facts. *Dominguez v. UAL Corp.*, 666 F.3d 1359, 1362 (D.C. Cir. 2012). The Court is not persuaded by the speculative statement that his personal and professional reputation will be harmed. Plaintiff sets forth no specific facts indicating that he has suffered any sort of reputational injury due to the passage of the Act and only appears to assert that he may suffer some sort of reputational injury at some point in the future. *Public Citizen, Inc. v. Nat’l Highway Traffic Safety Admin.*, 489 F.3d 1279, 1292 (D.C. Cir. 2007) (citing *Whitmore v. Arkansas*, 495 U.S. 149, 155 (1990)) (noting that the alleged injury must be concrete in the “qualitative and temporal sense”). Plaintiff has failed to establish that such a loss to his reputation is actual or imminent, as opposed to conjectural or hypothetical. Accordingly, the Court finds that Plaintiff has failed to



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establish standing to raise his claims in his capacity as an elected official because he has failed to establish an injury-in-fact.

**b. Standing as an Individual**

The Court now turns to the issue of whether Plaintiff has standing to bring this claim on his own behalf. *See, e.g., Mendoza v. Perez*, Civ. No. 13-5118, 2014 WL 2619844, at \*3 (D.C. Cir. June 13, 2014) (“To establish jurisdiction, the court need only find one plaintiff who has standing.”). Plaintiff’s alleged injuries as a citizen can be broken down into two separate assertions. First, Plaintiff is subject to the individual mandate and must either acquire health insurance or pay the penalty for failing to acquire health insurance. Compl. ¶¶ 15-16. Plaintiff describes this injury as “depriv[ation] . . . of personal property (i.e., personal funds) . . . and of the liberty to remain a nonparticipant in the health insurance market in violation of the Constitution.” Compl. ¶ 27. Second, Plaintiff claims that the religious exemption to the individual mandate violates the First Amendment by allowing the government to “regulate and track a person’s religion, and . . . to favor one religion over another.” Compl. ¶ 1. Plaintiff further asserts that “[e]mpowering the Internal Revenue Service to be the judge of how religious someone is by ‘CERTIFYING’ they are the correct religion or sect, damages everyone.” Pl.’s Resp. at 3. Defendants allege that Plaintiff fails to meet all three elements required for Article III standing, namely injury, causation, and redressability, in order bring the claim on his own behalf. Defs.’ MTD at 7-9. In challenging Plaintiff’s standing to bring the instant action, Defendants claim that Plaintiff has not

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established that he is injured in any way, only that he has a generalized grievance that he does not want to be subject to the individual mandate. *Id.* at 7-9. Further, Defendants assert that Plaintiff's alleged injury cannot be traced to the religious exemption nor redressed by a favorable decision in the instant action. Defendants argue that even if the religious exemption was declared invalid, Plaintiff would still be required to either obtain minimum essential coverage or pay the tax penalty. *Id.* at 9-10. Finally, while Plaintiff also appears to claim that the amendments to the Act since its passage violate 42 U.S.C. § 18112, and that the Act violates the Equal Protection Clause of the Fifth Amendment, Plaintiff makes no claim as to how he is injured by either of these alleged violations.<sup>4</sup> Accordingly, the Court shall address only the injuries cited by Plaintiff.

The Court first turns to the alleged injury that Plaintiff incurs as a citizen subject to the individual mandate: he must either obtain health insurance or pay the penalty. An injury-in-fact must be: (1) concrete; (2) particularized; and (3) actual and imminent. *Public Citizen, Inc. v. Nat'l Highway Traffic Safety Admin.*, 489 F.3d 1279, 1292 (D.C. Cir. 2007) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)). Here, Plaintiff currently is not covered by a plan that meets

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<sup>4</sup> To the extent that Plaintiff appears to take issue with subsequent amendments to the Act after its passage, Plaintiff has not presented any assertions as to how he is harmed by the amendments to the Act or how the amendments violate the law. See Pl.'s MPSJ at 2. Similarly, Plaintiff has made no claim as to how he is injured by the alleged fact that the Act will be enforced differently in different states. See *id.* Accordingly, the Court finds that Plaintiff has failed to meet his burden of establishing standing for these claims.

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the minimum requirements of the Act and does not want to obtain a plan. As a result, Plaintiff will be subject to a penalty. “[Plaintiff] must be able to show . . . that he has sustained . . . some direct injury . . . and not merely that he suffers in some indefinite way in common with people generally.” *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 345 (2006) (quoting *Doremus v. Bd. of Educ.*, 342 U.S. 429, 434 (1952)). Plaintiff in the instant action only establishes that he is subject to the individual mandate along with all other nonexempt individuals; he has claimed no actual injury that is personalized to him. Plaintiff does not allege that he personally is subject to an economic or other hardship as a result of the individual mandate. Rather, Plaintiff acknowledges that he is financially stable and can afford health insurance coverage if he decided to obtain it. He simply would prefer not to obtain coverage or pay the penalty. Compl. ¶ 5. Defendants argue that this complained injury is “one that applies equally to every citizen, and thus is a generalized grievance insufficient to confer standing . . . .” Defs.’ MTD at 6. The Court agrees. Plaintiff’s claimed injury, “depriv[ation] . . . of personal property (i.e., personal funds) . . . and of the liberty to remain a nonparticipant in the health insurance market in violation of the Constitution,” only establishes that Plaintiff is in the same position as all other nonexempt persons subject to the individual mandate. Compl. ¶ 27.

Another court in this district addressed the same question of standing in *Association of American Physicians & Surgeons v. Sebelius*, 901 F. Supp. 2d 19 (D.D.C. 2012), *aff’d*, 746 F.3d 468 (D.C. Cir. 2014). The court held that two associations had standing to challenge the individual mandate of the Act after

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members of the association provided declarations indicating that they were subject to the individual mandate and were “harmed financially” as a result. *Id.* at 36. However, the court declined to find that the plaintiffs established injury through a declaration asserting that members opposed the individual mandate but not citing any economic harms as a basis for the general opposition. *Id.* at 35-36. As the court noted, “[g]eneral opposition to a government action is not sufficient injury in fact to confer standing.” *Id.* at 36 n.4. Similarly, here, the Court finds that Plaintiff’s claimed injury, a general opposition to the individual mandate without any claimed personal injury, is insufficient to establish standing. See *United States v. Hays*, 515 U.S. 737, 743 (1995) (“[W]e have repeatedly refused to recognize a generalized grievance against allegedly illegal governmental conduct as sufficient for standing to invoke the federal judicial power.”); *Melcher v. Fed. Open Mkt. Comm.*, 836 F.2d 561, 564 (D.C. Cir. 1987), *cert. denied*, 486 U.S. 1042 (1988) (“Courts are not at liberty to embark upon a broad, undifferentiated mission of vindicating constitutional rights; after all, Article III specifically limits the judicial power of the United States to the resolution of actual cases or controversies.”).

The Court next turns to Plaintiff’s claim that he is harmed by the religious exemption because the exemption favors one religion over another and allows the government to certify that citizens are the “correct” religion. Defendants argue that Plaintiff has failed to state a concrete and particularized injury as it relates to the religious exemption. Defs.’ MTD at 8. Defendants point to the fact that Plaintiff does not claim that he is a member of a group that should be included in the

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exemption, only that the religious exemption should be declared unconstitutional. *Id.* Based on the fact that Plaintiff does not allege that he should be exempt from the individual mandate based on his religious beliefs, Defendants claim “Plaintiff’s true ‘injury’ is simply that he disagrees with the minimum coverage provision and would prefer to be exempt.” *Id.* In response, Plaintiff claims that the religious exemption “regulate[s] and track[s] a person’s religion, and . . . favor[s] one religion over another,” and, as result, everyone is harmed. Compl. ¶ 1; Pl.’s Resp. 3. Plaintiff further alleges that “[t]he Commerce Clause gives Congress no authority to mandate a change of religion or punish inactivity, alone.” Compl. ¶ 33.

Plaintiff is non-observant in his religion and does not assert that a religious exemption should be extended to him. *See* Compl. ¶ 5. Rather, Plaintiff explains “that he should not be forced to change his religion or religious designation to avoid penalties specified by a law that keeps changing by decree.” *Id.* ¶ 25. The allegation that Plaintiff is being “forced” to change his religion is not supported in any other way. Instead, Plaintiff’s argument is as follows: there is an exemption to the individual mandate for certain religious groups, he is not a member of any of those groups, and, therefore, he is not able to claim that exemption. It follows that Plaintiff’s challenge to the religious exemption solely is based on the general existence of the exemption and not on the exemption’s specific application to him.

The Supreme Court has denied citizens and taxpayers standing to raise a generalized grievance about the conduct of government. *Schlesinger v.*

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*Reservists Comm. to Stop the War*, 418 U.S. 208, 216-23, 222 n.11 (1974) (quoting *Sierra Club v. Morton*, 405 U.S. 727 (1972) (“We have expressed apprehension about claims of standing based on ‘mere interest in a problem.’”). In the instant matter, Plaintiff bases his challenge to the religious exemption on the fact that such exemptions harm everyone by their mere existence and not that the exemption personally harms him. See Pl.’s Resp. 3. However, “an asserted right to have the Government act in accordance with the law is not sufficient, standing alone, to confer jurisdiction on a federal court.” *Allen v. Wright*, 468 U.S. 737, 754 (1984). In regards to the religious exemption, Plaintiff has asserted no more than a general claim that Congress has violated the Commerce Clause and the First Amendment. He has asserted no personal stake in the outcome of the controversy as it relates to the religious exemption, or direct injury in order to establish standing. *Hein v. Freedom from Religion Found., Inc.*, 551 U.S. 587, 598 (2007) (noting that the determination of standing is especially important when parties assert an injury that is not distinct from one suffered equally by all taxpayers and citizens); *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 345 (2006) (explaining that a taxpayer must demonstrate a direct injury in order to establish standing).

Defendants also argue that Plaintiff has failed to establish that his alleged injury is traceable to the religious exemption and that the alleged injury can be redressed by declaring the religious exemption invalid. Defs.’ MTD at 9-10. Indeed, “[t]he desire to obtain [sweeping relief] cannot be accepted as a substitute for compliance with the general rule that the complainant must present facts sufficient to show that his

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individual need requires the remedy for which he asks.” *Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 221-22 (1974) (quoting *McCabe v. Atchison, T. & S. F. R. Co.*, 235 U.S. 151, 164 (1914)). Plaintiff does not seek to have the religious exemption altered to include him, but rather seeks to have the exemption declared as invalid. The Court agrees that the existence of the religious exemption is not traceable to Plaintiff’s injury because his real injury is a general grievance with the individual mandate. Further, even if the Court were to find that religious exemption violated the exercise of Congress’ Commerce Power in violation of the First Amendment, Plaintiff would be in the same position. He would be subject to the individual mandate and would be required to either obtain health insurance coverage or pay the penalty. The only difference would be that no one else could claim a religious exemption. Accordingly, Plaintiff’s injury, the fact that he is subject to the individual mandate, is not redressed by declaring the religious exemption invalid. Plaintiff seems to imply that if the Court were to declare the religious exemption unconstitutional that it would follow that the Court would have to declare the individual mandate and the entire Act invalid. Compl. ¶ 20-21. Plaintiff has provided no rationale for why this would be the case and the Court does not adopt this view. Accordingly, the Court concludes that Plaintiff has failed to establish that he has standing to bring the instant action and Defendants’ Motion to Dismiss shall be granted.



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**B. Establishment Clause Claim**

The Court generally would not address Defendants' contention that Plaintiff failed to state a viable Establishment Clause claim given the Court's finding that Plaintiff does not have standing to bring the instant action. *See Dominguez v. UAL Corp.*, 666 F.3d 1359, 1361-62 (D.C. Cir. 2012) (noting that standing is a required "predicate to any exercise of [the court's] jurisdiction"). However, given the evolution of the taxpayer standing doctrine, *see Hein v. Freedom from Religion Found., Inc.*, 551 U.S. 587, 604 (2007), and in an abundance of caution, the Court shall address Plaintiff's claim that the religious exemption to the individual mandate violates the Establishment Clause by giving preference to one religion over another and allowing the government to certify that members of certain religions are exempt from the individual mandate.<sup>5</sup> Compl. ¶¶ 1, 30, 32, 33; Pl.'s Resp. Br. ¶ 1. Defendants argue that Plaintiff failed to make any sort of factual assertions to establish the necessary elements of an Establishment Clause claim. Defs.' MTD at 11.

In regards to the Religion Clauses of the First Amendment, the Court has long recognized that there are some actions that are "permitted by the Establishment Clause but not required by the Free Exercise Clause." *Locke v. Davey*, 540 U.S. 712, 718 (2004) (noting that there "is room for play in the joints" of the two clauses). In an Establishment Clause challenge, "the initial inquiry is whether the law facially differentiates among religions." *Chaplaincy of*

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<sup>5</sup> The Court shall not address the merits of Plaintiff's other claims because of its finding that Plaintiff does not have standing.



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*Full Gospel Churches v. United States Navy*, 738 F.3d 425, 430 (D.C. Cir. 2013), *petition for cert. filed*, --- U.S.L.W. --- (May 23, 2014) (No. 13-1419) (citing *Larson v. Valente*, 456 U.S. 228 (1982)). If the law is facially neutral, the court applies the three-part test from *Lemon v. Kurtzman*, 403 U.S. 602 (1971). *Chaplaincy of Full Gospel Churches*, 738 F.3d at 430. The Affordable Care Act provides a “religious conscience” exemption<sup>6</sup> and a “health care sharing ministry” exemption<sup>7</sup> to the individual mandate. The application of the *Lemon* test is appropriate to the

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<sup>6</sup> This provision provides an exemption for: “a member of a recognized religious sect or division thereof which is described in section 1402(g)(1); or “an adherent of established tenets or teachings of such sect or division as described in such section.” 26 U.S.C. § 5000A(d)(2)(A). 26 U.S.C. § 1402(g)(1) codifies the religious conscience exemption of the Social Security Amendments of 1965.

<sup>7</sup> This exemption excludes members of a health care sharing ministry, meaning an organization:

- (I) which is described in section 501(c)(3) and is exempt from taxation under section 501(a),
- (II) members of which share a common set of ethical or religious beliefs and share medical expenses among members in accordance with those beliefs and without regard to the State in which a member resides or is employed,
- (III) members of which retain membership even after they develop a medical condition,
- (IV) which (or a predecessor of which) has been in existence at all times since December 31, 1999, and medical expenses of its members have been shared continuously and without interruption since at least December 31, 1999, and
- (V) which conducts an annual audit which is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and which is made available to the public upon request.

26 U.S.C. § 5000A(d)(2)(B). 26 U.S.C. § 501 provides tax exemptions for certain organizations.

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religious exemption because neither provision makes “explicit and deliberate distinctions” between different religions or sects.

The *Lemon* test provides that a law must: “(1) have a secular legislative purpose; (2) have a principal or primary effect that neither advances nor inhibits religion; and (3) not result in excessive entanglement with religion or religious institutions.” *Chaplaincy of Full Gospel Churches*, 738 F.3d at 430 (quoting *Bonham v. D.C. Library Admin.*, 989 F.2d 1242, 1244 (D.C. Cir. 1993)). The constitutionality of the religious exemption recently was addressed by the U.S. Court of Appeals for the Fourth Circuit in *Liberty University, Inc. v. Lew*, 733 F.3d 72 (4th Cir. 2013), *cert. denied*, --- U.S. ---, 134 S. Ct. 683 (2013), and is instructive in this matter. In *Liberty University*, the Fourth Circuit held both provisions of the religious exemption passed muster under the *Lemon* test. First, the court found that the religious exemption has a secular legislative purpose: “to ensure that all persons are provided for, either by the [Act’s insurance] system or by their church.” *Id.* at 101-02. Second, the court found that the religious exemption had the principal or primary effect of ensuring that all individuals were covered, rather than advancing or inhibiting religion. *Id.* at 102. Finally, the court found that there was no excessive entanglement with religion. *Id.* Here, the Court adopts the reasoning of the Fourth Circuit in noting that Plaintiff failed to state an Establishment Clause claim upon which relief can be granted.<sup>8</sup>

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<sup>8</sup> The Court further notes that the religious conscience exemption of the Act incorporates the same provision of the Social Security Amendments of 1965. 26 U.S.C. §§ 1402(g)(1) & 5000A(d)(2)(A).

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#### IV. CONCLUSION

For the foregoing reasons, the Court GRANTS Defendants' [9] Motion to Dismiss, DENIES Plaintiffs [12] Motion for Partial Summary Judgment, and DENIES Plaintiffs [18] Renewed Motion for Partial Summary Judgment. An appropriate Order accompanies this Memorandum Opinion.

Dated: June 25, 2014

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge

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Courts have consistently upheld this provision. *Droz v. Comm'r*, 48 F.3d 1120, 1124-25 (9th Cir. 1995), *cert. denied*, 516 U.S. 1042 (1996); *Hatcher v. Comm'r*, 688 F.2d 82, 84 (10th Cir. 1979) (*per curiam*); *Jaggard v. Comm'r*, 582 F.2d 1189, 1189-90 (8th Cir. 1978) (*per curiam*), *cert. denied*, 440 U.S. 913 (1979).

App. 46

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Civil Action No. 13-2066 (CKK)**

**[Filed June 25, 2014]**

JEFFREY CUTLER,	)
	)
Plaintiff,	)
	)
v.	)
	)
UNITED STATES DEPARTMENT OF	)
HEALTH AND HUMAN SERVICES, <i>et al.</i>	)
	)
Defendants.	)
	)

**ORDER**

(June 25, 2014)

For the reasons stated in the accompanying Memorandum Opinion, it is, this 25th day of June, 2014, hereby

**ORDERED** that Defendants' [9] Motion to Dismiss is **GRANTED**; and it is further

**ORDERED** that Plaintiff's [12] Motion for Partial Summary Judgment is **DENIED**; and it is further

**ORDERED** that Plaintiff's [18] Renewed Motion for Partial Summary Judgment is **DENIED**; and it is further

**ORDERED** that this action is hereby dismissed in its entirety; and it is further

App. 47

**ORDERED** that the Clerk of the Court shall mail a copy of this Order and the accompanying Memorandum Opinion to Plaintiff at his address of record.

**SO ORDERED.**

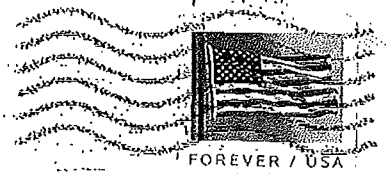
***This is a final, appealable Order.***

/s/  
**COLLEEN KOLLAR-KOTELLY**  
United States District Judge

**IGH ASSOCIATES LTD.**  
ite of High Real Estate Group LLC  
Bentley Ridge Boulevard  
York, PA 17602

HARRISBURG PA 171

20 AUG 2019 PM 6:1



Jeff Cutler  
PO Box 2806  
York, PA 17405

17405-2806

JEFF CUTLER  
PO BOX 2806  
YORK, PA 17405-2806

2093  
62-8311  
364

01 AUG 2019

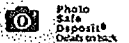
Date

Pay to the  
Order of

HIGH INC

\$ 1365.00

ONE THOUSAND THREE HUNDRED SIXTY FIVE Dollars



**PNC BANK**

PNC Bank, N.A. 080

For RENT 67 CAMBRIDGE DRIVE

*Ally*

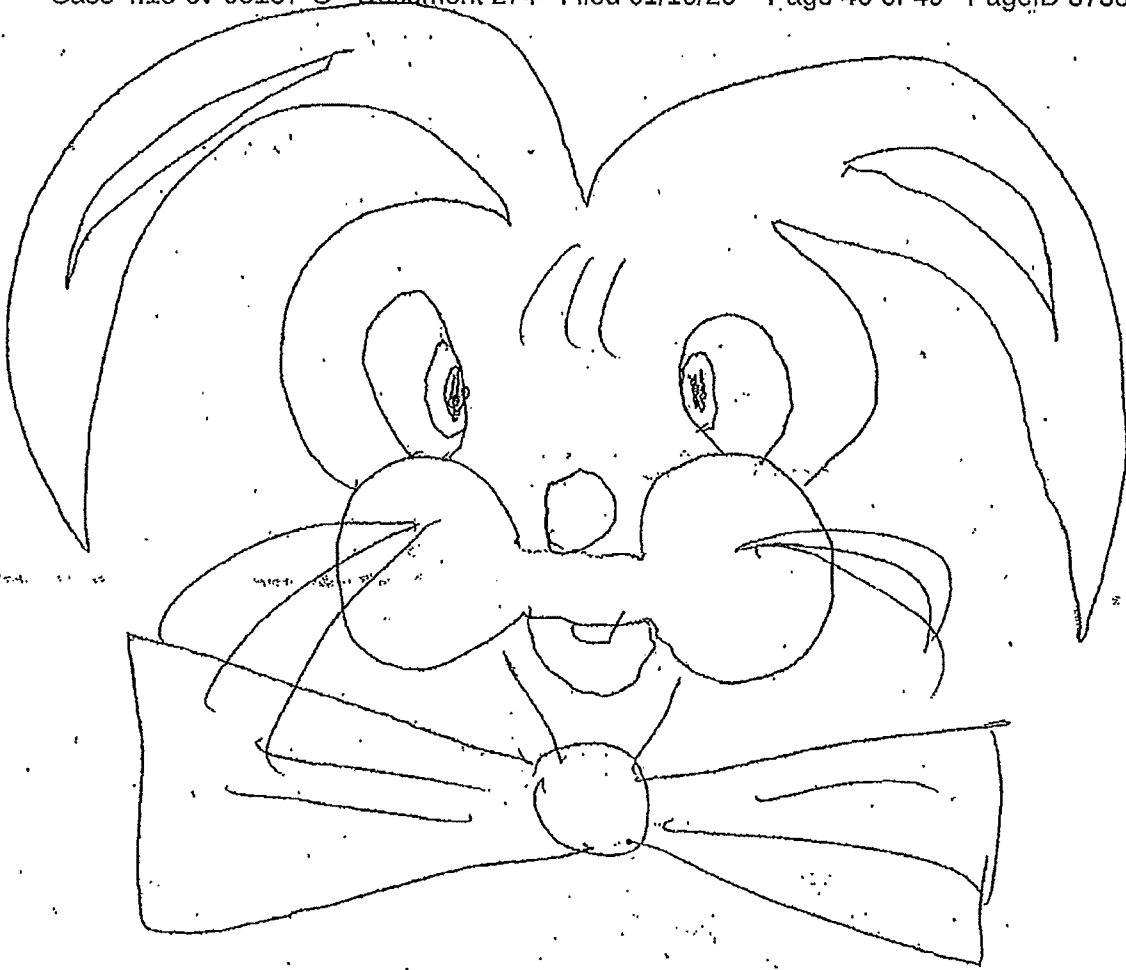
⑆031100089⑆ 5795473401⑆ 2093

Hydrex Clark

REFUSED

NO residence at  
Bentley Ridge.  
Vacated 2017.  
STOP SENDING !!

Case 4:18-cv-00167-O Document 274 Filed 01/16/20 Page 46 of 49 PageID 3738



THINK

HARVEY

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In The  
United States Court of Appeals  
for the Fifth Circuit

19-10011

JEFFREY CUTLER  
Intervenor Paintiff-Appellee

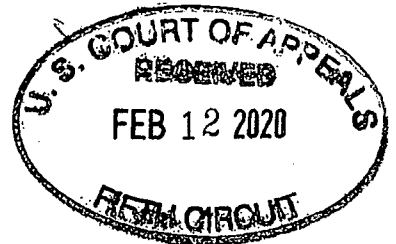
STATE OF TEXAS, et al.  
Paintiff-Appellees

v.

UNITED STATES OF AMERICA, et al.  
Defendants-Appellants

STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants

NANCY PELOSI  
Intervenor Defendants-Appellant



*Appeal from the Order/Judgment entered January, 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

**PETITION FOR CONSIDERATION BECAUSE OF**  
**OBSTRUCTION OF JUSTICE AND VIOLATIONS OF EQUAL**  
**PROTECTION**

ORAL ARGUMENTS REQUESTED

Notice is hereby given Jeffrey Cutler, Plaintiff Intervenor in district court case number 4:18-cv-00167-0 had appealed to the United States Court of Appeals for the Fifth Circuit the Order from the United States Northern District of Texas dated January 16, 2020 denying Plaintiff's MOTION FOR RECONSIDERATION OF MOTION TO CHANGE VENUE FOR CASE 4:18-cv-00167-0 FROM STATE OF TEXAS TO PENNSYLVANIA AND COMBINE CASE WITH 5:19-cv-00834 , and the motion denying Plaintiff's motion of December 30, 2019. The current order is in error since the USCA order of December 18, 2019, remanded the case back to District Court and for further disposition and was unopposed and is still unopposed. Mr. Cutler had previously filed a document by MAIL on March 1, 2019 but it was illegally discarded. He then filed on 07MAR2019 in person (Document 00514863727) , and it was put online March 7, 2019. The office of the clerk decided it would be ignored. Mr. Cutler filed a NOTICE OF APPEAL on 27JAN2020, (Document 00515289904 International Holocaust Remembrance Day), and it was only put online when Mr. Cutler informed the Deputy Clerk Mary Francis Yeager that she was violating Mr. Cutler's civil rights. It was put online January 29, 2020. A violation of EQUAL PROTECTION by employee of the federal government, which treated the two documents differently and potentially hid the document from the review of the judges considering an ENBANC review. Mr. Cutler subsequently filed a PETITION FOR ENBANC HEARING AND TO

TRANSFER RESIDUAL CASE TO PENNSYLVANIA AND COMBINE

WITH CASE 5:19-cv-00834, this document was put online as document number 00515298284 on 04FEB2020, the same date it was filed in court. In this case

**Deputy Clerk Roeshawn Johnson** denied the petition. This violated the United States Constitution Ammend 1 and 5. It also also violates Mr. Cutler's rights under the Sixth Amendment of the Constitution. Based on Elouise Pepion Corbel et al. v. Gale v. Norton, et al. (03-5262, 03-5314). Mr. Cutler requested the district court cases be consolidated in Pennsylvania and deliberations allowed on an expedited basis since they both involve related issues and the Supreme Court has indicated they will not consider the case this term. This court had allowed the House of Representatives to be an Intervenor. The petitioner, Jeffrey Cutler, acting pro se, respectfully previously identified that the speaker of the house of representaives, in her official capacity, as the speaker of the House of Representatives (and former resident of Baltimore, MD).

This is the same city that Johnathan Luna on 03DEC2003 (a black federal employee) left his office at approximately 11 PM and was found dead the next morning in Lancaster County, Pennsylvania with 36 stab wounds, neck back and genitals, but the cause of death was drowning. Sean Suiter a Baltimore Police office died from a suicide during a special arrest, 1 day before he was to testify. Other individuals have died unexpectedly, possibly of murder including Beranton Whisenant Jr. (also a federal prosecuter), and Kobe Bryant. The medical records of

**Jonathan Luna** have finally resurfaced and are currently trying to be

sealed/hidden by the current DA in Lancaster County. <ref>  
<https://www.fox43.com/article/news/jonathan-luna-murder-mystery-2003/521-2229b272-9355-43a8-8163-506440862577> </ref><ref>

[https://lancasteronline.com/news/local/lnc-county-clash-over-newly-discovered-records-in-jonathan-luna/article\\_01ba656a-483b-11ea-86ed-43533b224839.html](https://lancasteronline.com/news/local/lnc-county-clash-over-newly-discovered-records-in-jonathan-luna/article_01ba656a-483b-11ea-86ed-43533b224839.html) </ref><ref>

[https://lancasteronline.com/news/local/lancaster-county-judge-gives-prosecutor-days-to-say-why-jonathan/article\\_66aa5a86-49ec-11ea-8d57-37ffa1b9ed27.html](https://lancasteronline.com/news/local/lancaster-county-judge-gives-prosecutor-days-to-say-why-jonathan/article_66aa5a86-49ec-11ea-8d57-37ffa1b9ed27.html) </ref><ref>

<https://www.wgal.com/article/newly-discovered-documents-are-related-to-investigation-into-death-of-federal-prosecutor-jonathan-luna/30783745> </ref><ref>

<https://www.pennlive.com/news/2020/02/re-discovery-of-records-on-mysterious-death-of-federal-prosecutor-prompts-fight-between-da-news-media.html> </ref><ref>

<https://www.youtube.com/watch?v=cLAldUHDwj8> </ref> <ref> <https://www.nbcnews.com/news/us-news/disgraced-baltimore-police-officer-says-detective-who-was-killed-testifying-n844831>

</ref> <ref> <https://www.cnn.com/2018/08/29/us/baltimore-police-detective-sean-suiter-suicide/index.html> </ref>

Nancy Pelosi made a false statement in court via her lawyer (Mr Donald B. Verilli Jr.) stated “[N]o one would be hurt and the greater justice would be attained” and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime. During a speech at the National Association of Counties’ annual Legislative Conference on 9 March 2010, in Washington D.C. <ref><https://www.youtube.com/watch?v=QV7dDSgbaQ0> </ref> she stated “We have to pass the bill to find out what is in it”. The petitioner “found out what was in it” and filed a Pro se lawsuit 31DEC2013 in Wasington, DC case 1:13-cv-2066. He also via lawyers hired had previously filed a Writ of Certiorari for the Supreme Court of the United States (15-632) and inserted that same writ in United States Court of Appeals case 17-2709, page 314A, via district court case

number 2:17-cv-00984 page 10. Since the individual mandate of the Affordable Care Act is now null and void based on the ruling of the USCA and the other provisions of the bill should also be eliminated to preserve the constitution.

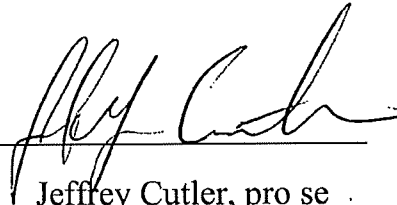
Pursuant to Title 18, United States Code § 4, Plaintiff, Jeffrey Cutler, notifies the court of possible ongoing criminal activity directly involved with his civil rights action ( No. 5:19-cv-00834 ) and requests the court to notify the Prosecutor's Office immediately, and any other criminal justice authorities the court deems necessary, to effect and insure the prompt investigation and prosecution of crimes involved with this case which includes mail Fraud (18 U.S. Code § 1341), the murder of a federal employee (18 U.S. Code § 1114), and Title 18, Section 871. The courts have affirmed, it must “afford a liberal reading to a complaint filed by a pro se plaintiff,” particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) (“A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted).

**WHEREFORE**, for all the foregoing reasons, petitioner respectfully **NOTIFIES** the court that this document is valid **SERVICE** for both **Deputy Clerk Mary Francis Yeager** and **Deputy Clerk Roeshawn Johnson**, newly discovered John

DOE identifications. Mr Cutler also requests that this Court declare and establish that the document (Document 00515289904) previously filed on 27JAN2020 was a **valid NOTICE OF APPEAL** with a date of 27JAN2020. This court should also declare the entire Affordable Care Act (Obamacare) law and the law signed in 1942 as Executive Order 9066 by Franklin Roseveltdt **UNCONSTITUTIONAL**, during an immediate **ENBANC** review of this case when combined with the writ from case **15-632** and grant a transfer of the rest of this district court case and let a jury determine the penalties for each party, including **Deputy Clerk Mary Francis Yeager** and **Deputy Clerk Roeshawn Johnson**.

Respectfully submitted,

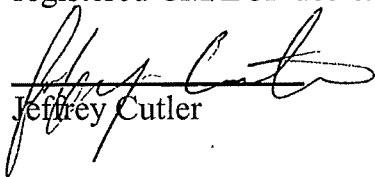
DATE: 10 FEB 2020



Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

### CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2020, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit via United States Mail or in person. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that all of the other participants or their lawyers in this case are registered CM/ECF users.

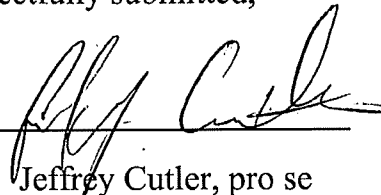
  
Jeffrey Cutler 10 FEB 2020

### CERTIFICATION OF COMPLIANCE

This brief complies with the type-volume limitations of Fed. R. AP. P. 35(b)(2) and Circuit Rule 40-1 because this brief contains no more than 15 pages, excluding the parts of the brief exempted by Fed. R. AP. P. 32.

Respectfully submitted,

DATE: 10 FEB 2020



Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405



## ADDENDUM

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

JEFFREY CUTLER

Plaintiff(s)

v.

NANCY PELOSI

IN HER OFFICIAL CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES; ASSOCIATED PRESS;  
BEND BULLETIN NEWSPAPER; CITIZENS BANK;  
ERIE INSURANCE; FORD MOTOR COMPANY;  
FULTON BANK; GOOGLE CORPORATION;  
HAVERFORD POLICE DEPARTMENT; LEMBERG LAW  
LLC; MANHEIM SCHOOL DISTRICT; PHILADELPHIA  
NEWSPAPERS INC; STATE FARM INSURANCE; U.S.  
NEWS AND WORLD REPORTS; VERIZON  
CORPORATION; WIKIPEDIA FOUNDATION; JANE  
DOES & JOHN DOES,

Defendant(s)

Civil Action No. 19-0834

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

DEPUTY CLERK ROESHAWN JOHNSON  
DEPUTY CLERK MARY FRANCIS YENGER  
600 S MAESTRI PLACE  
NEW ORLEANS, LA 70130

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JEFFREY CUTLER  
P.O. BOX 2806  
YORK, PA 17405-2806  
PRO SE

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 2/26/2019

Signature of Clerk or Deputy Clerk

**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

January 29, 2020

Ms. Jeffrey Cutler  
P.O. Box 2806  
York, PA 17405

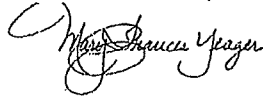
No. 19-10011 State of Texas, et al v. USA, et al  
USDC No. 4:18-CV-167

Dear Mr. Cutler,

We received your brief, addendum and motion to transfer case to Pennsylvania. Since you are not a party to this appeal, we are taking no action on the filing.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Mary Frances Yeager, Deputy Clerk  
504-310-7686

cc: Mr. Ryan Wolfe Allison  
Ms. Ginger Anders  
Mr. Peter J. Anthony  
Mr. A. Xavier Baker  
Mr. Benjamin Battles  
Mr. Matthew Joseph Berns  
Mr. Jack R. Bierig  
Mr. Nathanael Blake  
Mr. Kenneth Lee Blalack II  
Ms. Kathleen Boergers  
Mr. Wade Carr  
Mr. Z.W. Julius Chen  
Mr. Lawrence Crawford  
Mr. Stuart F. Delery  
Ms. Bridget DiBattista  
Mr. Nicholas M. DiCarlo  
Ms. Margaret Dotzel

Mr. John Allen Eidsmoe  
Mr. Nimrod Elias  
Mr. August E. Flentje  
Mr. Benjamin Michael Flowers  
Mr. Brian Rene Frazelle  
Mr. Matthew Hamilton Frederick  
Ms. Elaine Goldenberg  
Ms. Brianne Gorod  
Ms. Maame Gyamfi  
Mr. David J. Hacker  
Ms. Caitlin Joan Halligan  
Mrs. Fadwa A. Hammoud  
Mr. Brooks M. Hanner  
Mr. Kyle Douglas Hawkins  
Mr. Joshua L. Hedrick  
Mr. Matthew S. Hellman  
Mr. Robert E. Henneke  
Ms. Hyland Hunt  
Mr. Scott H. Ikeda  
Mr. Paige Jennings  
Ms. Michelle Shane Kallen  
Mr. John T. Kitchens  
Mr. Jeremy Kreisberg  
Ms. Maria Rose Lenz  
Mr. Douglas Neal Letter  
Mr. Sean Michael Marotta  
Ms. Catherine M. Masters  
Mr. Steven Travis Mayo  
Mr. Darren Lee McCarty  
Mr. Matthew Robert McGuire  
Mr. Raffi Melkonian  
Mr. Jonathan Meltzer  
Ms. Rachel Miller-Ziegler  
Mr. Robert Tadao Nakatsuji  
Mr. Eric Olson  
Mr. William Jeffrey Olson  
Ms. Neli N. Palma  
Mr. Joseph R. Palmore  
Ms. Beth Bivans Petronio  
Ms. Lanora Christine Pettit  
Mr. Ashwin Pradyumna Phatak  
Mr. Joseph Rubin  
Mr. Richard Salgado  
Mr. Jaime Santos  
Mr. Andrew Layton Schlafly  
Mr. William B. Schultz  
Mr. Jay A. Sekulow  
Mr. Pratik A. Shah  
Ms. Kristin Ann Shapiro  
Mr. Samuel Siegel  
Ms. Benna Ruth Solomon  
Ms. Marie Soueid  
Mr. Jeffrey T. Sprung  
Mrs. Heidi Parry Stern  
Mr. Todd Barry Tatelman  
Mr. Martin Vincent Totaro  
Ms. Jessica Elaine Underwood  
Ms. Lorraine Alofa Van Kirk  
Ms. Caroline Van Zile

Mr. Donald B. Verrilli Jr.  
Mr. Stephen B. Vogel  
Ms. Jessica Willey  
Mr. Daniel W. Wolff  
Ms. Elizabeth Bonnie Wydra  
Mr. David Meir Zions

Case 4:18-cv-00167-O Document 275 Filed 01/21/20 Page 1 of 2 PageID 3742

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

TEXAS et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 4:18-cv-00167-O
	§	
UNITED STATES OF AMERICA et al.,	§	
	§	
Defendants.	§	
	§	

**ORDER**


Before the Court is Movant Jeffrey Cutler's Motion for Reconsideration ("Motion") (ECF No. 274), filed January 16, 2020. Having considered the Motion and applicable law, the Court finds Movant's Motion should be and is hereby **DENIED**. The Court denied Movant's Motion to Transfer Case out of District because this Court lacks jurisdiction. *See* January 2, 2020 Order, ECF No. 271.

Here, the Court need not re-consider whether this Court has jurisdiction because the Fifth Circuit is clear. "The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back: 'The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.'" *United States v. Lucero*, 755 F. App'x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit's jurisdiction and eliminated this Court's jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant's Motion is **DENIED**.

Case 4:18-cv-00167-O Document 275 Filed 01/21/20 Page 2 of 2 PageID 3743

**SO ORDERED** on this 21st day of January, 2020.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

TEXAS et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA et al.,

Defendants.

Civil Action No. 4:18-cv-00167-O

ORDER

Before the Court is Movant Jeffrey Cutler's Motion to Change Venue ("Motion") (ECF No. 269), filed December 30, 2019. "The general rule is that a case can exist only in one court at a time, and a notice of appeal permanently transfers the case to [the Fifth Circuit] until [the circuit court] send[s] it back. The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *United States v. Lucero*, 755 F. App'x 384, 386 (5th Cir. 2018) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58, (1982) (per curiam)).

The notice of appeal in this case became effective on January 3, 2019, which triggered the Fifth Circuit's jurisdiction and eliminated this Court's jurisdiction to act. Movant has failed to identify any exception to the general rule. Accordingly, Movant's Motion is **DENIED**.

**SO ORDERED** on this 2nd day of January, 2019.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE



Case 4:18-cv-01167-DWM Document 00515241251-1 Filed 12/18/19 Page 2 of 26  
Case 4:18-cv-01167-DWM Document 00515241251-1 Filed 12/18/19 Page 2 of 26

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 18, 2019

No. 19-10011

Lyle W. Cayce  
Clerk

D.C. Docket No. 4:18-CV-167

STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA; STATE  
OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA; STATE OF  
KANSAS; STATE OF LOUISIANA; STATE OF MISSISSIPPI, by and  
through Governor Phil Bryant; STATE OF MISSOURI; STATE OF  
NEBRASKA; STATE OF NORTH DAKOTA; STATE OF SOUTH  
CAROLINA; STATE OF SOUTH DAKOTA; STATE OF TENNESSEE;  
STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF ARKANSAS;  
NEILL HURLEY; JOHN NANTZ,

Plaintiffs - Appellees

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF  
HEALTH & HUMAN SERVICES; ALEX AZAR, II, SECRETARY, U.S.  
DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES  
DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, in his  
Official Capacity as Commissioner of Internal Revenue,

Defendants - Appellants

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF  
COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF  
ILLINOIS; STATE OF KENTUCKY; STATE OF MASSACHUSETTS;  
STATE OF NEW JERSEY; STATE OF NEW YORK; STATE OF NORTH  
CAROLINA; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF  
VERMONT; STATE OF VIRGINIA; STATE OF WASHINGTON; STATE OF  
MINNESOTA,

Intervenor Defendants - Appellants

Appeals from the United States District Court for the  
Northern District of Texas

Before KING, ELROD, and ENGELHARDT, Circuit Judges.

**J U D G M E N T**

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part, vacated in part, and remanded to the District Court for further proceedings in accordance with the opinion of this Court.

**IT IS FURTHER ORDERED** that each party bear its own costs on appeal.

KING, Circuit Judge, dissenting.

Case 4:18-cv-00834-JLS Document 80 Filed 07/16/19 Page 30 of 41  
Case 5:19-cv-00834-JLS Document 80 Filed 07/16/19 Page 30 of 41  
Case 5:19-cv-00834-JLS Document 80 Filed 07/16/19 Page 30 of 41  
Case 5:19-cv-00834-JLS Document 80 Filed 07/16/19 Page 30 of 41  
Case 5:19-cv-00834-JLS Document 80 Filed 07/16/19 Page 30 of 41  
USCA Case #14-5183 Document #1557864 Filed: 03/14/2015 Page 1 of 1

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 14-5183**

**September Term, 2014**  
**FILED ON: AUGUST 14, 2015**

**JEFFREY CUTLER,**

**APPELLANT**

**v.**

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,**  
**APPELLEES**

**Appeal from the United States District Court**  
**for the District of Columbia**  
**(No. 1:13-cv-02066)**

**Before: HENDERSON, ROGERS and MILLETT, Circuit Judges**

**JUDGMENT**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the judgment of the District Court appealed from in this cause be reversed as to Cutler's standing to press his Establishment Clause challenge, and be affirmed both as to the merits of his Establishment Clause claim and his lack of standing to press his equal protection challenge, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
**Mark J. Langer, Clerk**

**BY: /s/**  
**Ken Meadows**  
**Deputy Clerk**

**Date: August 14, 2015**

**Opinion for the court filed by Circuit Judge Millett.**

General Docket  
United States Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 19-10011 Nature of Suit: 2890 Other Statutory Actions State of Texas, et al v. USA, et al Appeal From: Northern District of Texas, Fort Worth Fee Status: Fee Paid		Docketed: 01/07/2019 Termined: 12/18/2019
<b>Case Type Information:</b> 1) United States Civil 2) United States 3)		
<b>Originating Court Information:</b> District: 0539-4 : 4:18-CV-167 Court Reporter: Shawn McRoberts, Court Reporter Originating Judge: Reed Charles O'Connor, U.S. District Judge Date Filed: 02/26/2018 Date NOA Filed: 01/03/2019 Date Rec'd COA: 01/03/2019		

12/19/2019	<input checked="" type="checkbox"/>	APPEARANCE FORM for the court's review. Lead Counsel? Yes. [19-10011] (Steven Travis Mayo ) [Entered: 12/19/2019 11:29 AM]
12/19/2019		APPEARANCE FORM FILED by Attorney(s) Steven Travis Mayo for party(s) Appellant State of Kentucky, in case 19-10011 [19-10011] (PAC) [Entered: 12/19/2019 11:46 AM]
12/19/2019	<input checked="" type="checkbox"/>	MOTION filed by Appellant State of Kentucky to substitute State of Kentucky with State of Kentucky, ex rel. Andy Beshear, Governor. Date of service: 12/19/2019 via email - Attorney for Appellees: Al-Fuhaid, Frederick, Hacker, Hawkins, Henneke, McCarty, Pettit; Attorney for Amici Curiae: Allison, Anthony, Baker, Bierig, Blalack, Carr, Chen, Delery, DiCarlo, Dotzel, Eidsmoe, Flowers, Gyarnfi, Halligan, Hedrick, Hellman, Hunt, Jennings, Kitchens, Marotta, Masters, Melkonian, Olson, Palmore, Petronio, Salgado, Santos, Schlaflly, Schultz, Sekulow, Shah, Solomon, Underwood, Van Kirk, Wolff, Zions; Attorney for Intervenor: Anders, Blake, Frazelle, Goldenberg, Gorod, Hammoud, Hanner, Kreisberg, Letter, Meltzer, Miller-Ziegler, Olson, Phatak, Shapiro, Stern, Tatelman, Verrilli, Wydra; Attorney for Appellants: Battles, Berns, Boergers, DiBattista, Elias, Flentje, Ikeda, Kallen, Lenz, Mayo, McGuire, Nakatsuji, Palma, Rubin, Siegel, Soueid, Sprung, Totaro, Van Zile, Vogel, Willey; US mail - Not Party Crawford [19-10011] (Steven Travis Mayo ) [Entered: 12/19/2019 12:10 PM]
12/20/2019		TECHNICAL REVISION MADE TO OPINION. [9213653-2] [19-10011] (NFD) [Entered: 12/20/2019 11:44 AM]
12/23/2019	<input checked="" type="checkbox"/>	COURT ORDER granting Motion to substitute party filed by Appellant State of Kentucky [9214353-2] Appellant State of Kentucky in 19-10011 substituted by Appellant Andy Beshear, Governor, State of Kentucky in 19-10011 [19-10011] (RAJ) [Entered: 12/23/2019 11:57 AM]
01/09/2020	<input checked="" type="checkbox"/>	TECHNICAL REVISION MADE TO OPINION. [9215416-2] [19-10011] (NFD) [Entered: 01/09/2020 03:23 PM]
01/14/2020	<input checked="" type="checkbox"/>	SUPREME COURT NOTICE that petition for writ of certiorari [9230126-2] was filed by Appellants Mr. Andy Beshear, District of Columbia, State of California, State of Connecticut, State of Delaware, State of Hawaii, State of Illinois, State of Massachusetts, State of Minnesota, State of New Jersey, State of New York, State of North Carolina, State of Oregon, State of Rhode Island, State of Vermont, State of Virginia and State of Washington on 01/03/2020. Supreme Court Number: 19-840. [19-10011] (SMC) [Entered: 01/14/2020 04:17 PM]
01/14/2020	<input checked="" type="checkbox"/>	SUPREME COURT NOTICE that petition for writ of certiorari [9230135-2] was filed by Intervenor United States House of Representatives on 01/03/2020. Supreme Court Number: 19-841. [19-10011] (SMC) [Entered: 01/14/2020 04:21 PM]
01/29/2020	<input checked="" type="checkbox"/>	DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the Brief, addendum and motion to transfer case to Pennsylvania because Mr. Jeffrey Cutler is not a party to the appeal [19-10011] (MFY) [Entered: 01/29/2020 10:38 AM]
01/29/2020	<input checked="" type="checkbox"/>	COURT ORDER denying for rehearing en banc [9240090-1] Mandate issue date is 02/06/2020 [19-10011] (KGL) [Entered: 01/29/2020 11:56 AM]

PACER Service Center			
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5th Circuit - Appellate - 01/29/2020 12:02:16			
PACER Login:	jk6550	Client Code:	
Description:	Case Summary	Search Criteria:	19-10011
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In The  
**United States Court of Appeals**  
for the Fifth Circuit

19-10011

JEFFREY CUTLER  
Intervenor Plaintiff-Appellee

STATE OF TEXAS, et al.  
Plaintiff-Appellees

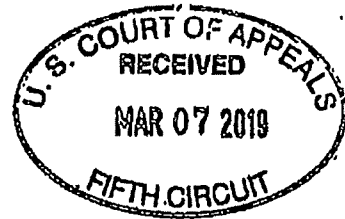
v.

UNITED STATES OF AMERICA, et al.  
Defendants-Appellants

STATE OF CALIFORNIA, et al.  
Intervenor Defendants-Appellants

NANCY PELOSI  
Intervenor Defendants-Appellant

*Appeal from the Order/Judgment entered Dec 14, 2018 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*



**RESPONSE TO NANCY PELOSI'S PETITION OF 03JAN2019**

ORAL ARGUMENTS REQUESTED

In The  
**United States Court of Appeals**  
**for the Fifth Circuit**

**19-10011**

**JEFFREY CUTLER**  
Intervenor Paintiff-Appellee

**STATE OF TEXAS, et al.**  
Paintiff-Appellees

v.

**UNITED STATES OF AMERICA, et al.**  
Defendants-Appellants

**STATE OF CALIFORNIA, et al.**  
Intervenor Defendants-Appellants

**NANCY PELOSI**  
Intervenor Defendants-Appellant

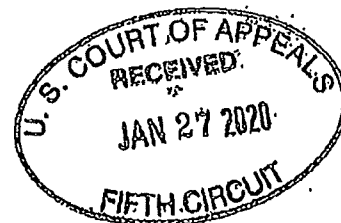
*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

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**BRIEF AND ADDENDUM**  
**Volume I (Pages 1-153)**

---

JEFFREY CUTLER  
P.O. Box 2806  
York, PA 2806  
(215) 872-5715  
*Pro Se Appellee*





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NANCY PELOSI ON 09 JANUARY UED UNDER OATH [IN COURT]! In press page 3 case # 5-19-CV-00834 (ORIGINAL, CASE FILED 26FEB2019) NCJ 102 titled MOTION FOR DEFAULT AGAINST NANCY PELOSI IN HER OFFICIAL CAPACITY AND ALL OTHER DEFENDANTS (ECJ 102 filed 03DEC2019, NANCYS LAWYER READT 04DEC2019) AND NANCY CALLED FOR IMPEACHMENT OSOCE2019 TO SAVE HER JOB!!! - The actions involved also involves a conspiracy to hide an ongoing criminal enterprise and other crimes by the democratic party to hinder the president in carrying out his constitutional duties. Nancy Pelosi is under official capacity did violate via her lawyer (Mr Donald B. Yerxa Jr.) and used DOJ's FBI would not take or the greatest justice would be done if she was impeached and removed from office on page 1 of the filing that was made in case 5-19-CV-00767-03 significant federal crime came on the grand jury after she became speaker of the house. She has also interfered with the Treaty between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters thru Anxex, signed at Kiev on July 22, 1998, and with an Exchange of Notes signed on September 30, 1999, which provides for its provisional application. Katie Hill (a Democrat member of the house from California) was forced to resign from office as based on the Katie Hill resignation, Nancy Pelosi must also quit her position.

- Based on a previous incident by United States Representative vicki...  
The House Judiciary Committee has been told that the House will investigate the alleged violation and whether it did intentionally violate the House Act codified as 18 USC § 9151 and Foreign Corrupt Practices Act of 1977 FCPPA codified as 16 USC § 874d-1.  
Also this case also involves (18 USC § 1519 -

(Restriction, alteration, or falsification of records), (18 U.S. Code § 1503 - Obstruction of proceedings before department),  
[http://www.youtube.com/watch?v=7wGzCzF\\_JUk](http://www.youtube.com/watch?v=7wGzCzF_JUk) for more information and  
 read comments sorted newest first. Also see  
 <ref>  
<http://www.americanredcross.org/case/15fey-culture-vs-dept-of-health-human-services>  
 </ref> and <ref><http://www.pacercenter.org/cgibin/wkrcform/stories-15fey-15fey></ref>  
[https://www.pacercmonitor.com/public/case/2720/1978/CUTE.EP.EPELOSLtL\\_e/rel-](https://www.pacercmonitor.com/public/case/2720/1978/CUTE.EP.EPELOSLtL_e/rel-)

[illegible]

THE ABOVE IS CENSORED BY EVERY NEWS OUTLET IN THE US

\*\*\*\*\* CENSORED BY THE FBI \*\*\*\*\*



In The  
**United States Court of Appeals**  
for the Fifth Circuit

**19-10011**

JEFFREY CUTLER  
Intervenor Paintiff-Appellee

STATE OF TEXAS, et al.  
Paintiff-Appellees

v.

UNITED STATES OF AMERICA, et al.  
Defendants-Appellants

STATE OF CALIFORNIA, et al.  
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NANCY PELOSI  
Intervenor Defendants-Appellant

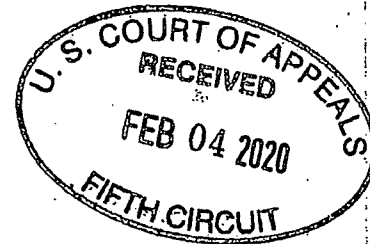
*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

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**PETITION FOR ENBANC HEARING AND TO TRANSFER  
RESIDUAL CASE TO PENNSYLVANIA AND COMBINE  
WITH CASE 5:19-cv-00834 - Volume I (Pages 1-120)**

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JEFFREY CUTLER  
P.O. Box 2806  
York, PA 17405  
(215) 872-5715  
*Pro Se Appellee*





In The  
**United States Court of Appeals**  
**for the Fifth Circuit**

**19-10011**

**JEFFREY CUTLER**  
Intervenor Plaintiff-Appellee

**STATE OF TEXAS, et al.**  
Plaintiff-Appellees

v.

**UNITED STATES OF AMERICA, et al.**  
Defendants-Appellants

**STATE OF CALIFORNIA, et al.**  
Intervenor Defendants-Appellants

**NANCY PELOSI**  
Intervenor Defendants-Appellant

*Appeal from the Order/Judgment entered January 21, 2020 in the United States District  
Court for the Northern District of Texas at No. 4:18-cv-00167-0*

**PETITION FOR ENBANC HEARING AND TO TRANSFER**  
**RESIDUAL CASE TO PENNSYLVANIA AND COMBINE WITH**  
**CASE 5:19-cv-00834**

**ORAL ARGUMENTS REQUESTED**

Notice is hereby given Jeffrey Cutler, Plaintiff Intervenor in district court case number 4:18-cv-00167-0 hereby appeals to the United States Court of Appeals for the Fifth Circuit the Order from the United States Northern District of Texas dated January 16, 2020 denying Plaintiff's MOTION FOR RECONSIDERATION OF MOTION TO CHANGE VENUE FOR CASE 4:18-cv-00167-0 FROM STATE OF TEXAS TO PENNSYLVANIA AND COMBINE CASE WITH 5:19-cv-00834 , and the motion denying Plaintiff's motion of December 30, 2019. The current order is in error since the USCA order of December 18, 2019, remanded the case back to District Court and for further disposition and was unopposed and is still unopposed. Mr. Cutler had previously filed a document by MAIL on March 1, 2019 but it was illegally discarded. He then filed on 07MAR2019 in person (Document 00514863727) , and it was put online March 7, 2019. The office of the clerk decided it would be ignored. Mr. Cutler filed a NOTICE OF APPEAL on 27JAN2020, (Document 00515289904 International Holocaust Remembrance Day), and it was only put online when Mr. Cutler informed the Deputy Clerk (Mary Francis Yeager) that she was violating Mr. Cutler's civil rights. It was put online January 29, 2020. A violation of EQUAL PROTECTION by employees of the federal government, which treated the two documents differently and potentially hid the document from the review of the judges considering an ENBANC review. It violates the United States Constitution Ammend 1 and 5. It also also violates Mr. Cutler's

rights under the Sixth Amendment of the Constitution. Based on *Elouise Pepion Corbel et al. v. Gale v. Norton, et al.* (03-5262, 03-5314). Mr. Cutler requests the district court cases be consolidated in Pennsylvania and deliberations allowed on an expedited basis since they both involve related issues and the Supreme Court has indicated they will not consider the case this term. This court had allowed the House of Representatives to be an Intervenor. The petitioner, Jeffrey Cutler, acting pro se, respectfully previously identified that the speaker of the house of representatives, in her official capacity, as the speaker of the House of Representatives (and former resident of Baltimore, MD). This is the same city that Johnathan Luna on 03DEC2003 (a black federal employee) left his office at approximately 11 PM and was found dead the next morning in Lancaster County, Pennsylvania with 36 stab wounds, neck back and genitals, but the cause of death was drowning. Sean Suiter a Baltimore Police officer died from a suicide during a special arrest, 1 day before he was to testify. <ref> <https://www.youtube.com/watch?v=cLAldUHDwJ8> </ref> <ref> <https://www.nbcnews.com/news/us-news/disgraced-baltimore-police-officer-says-detective-who-was-killed-testifying-n844831> </ref> <ref> <https://www.cnn.com/2018/08/29/us/baltimore-police-detective-sean-suiter-suicide/index.html> </ref>

Nancy Pelosi made a false statement in court via her lawyer (Mr Donald B. Verilli Jr.) stated "[N]o one would be hurt and the greater justice would be attained" and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing that was made in case 4:18-cv-00167-0, a significant federal crime. During a speech at the National Association of Counties' annual Legislative Conference on 9 March 2010, in

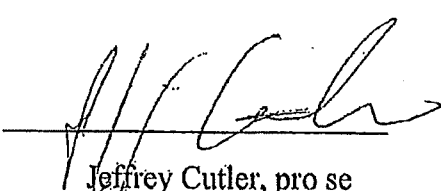
Washington D.C. <ref><https://www.youtube.com/watch?v=QV7dDSgbaQ0> </ref>  
she stated "We have to pass the bill to find out what is in it". The petitioner "found  
out what was in it" and filed a Pro se lawsuit 31DEC2013 in Wasington, DC case  
1:13-cv-2066. He also via lawyers hired had previously filed a Writ of Certiorari  
for the Supreme Court of the United States (15-632) and inserted that same writ in  
United States Court of Appeals case 17-2709, page 314A, via district court case  
number 2:17-cv-00984 page 10. Since the individual mandate of the Affordable  
Care Act is now null and void based on the rulling of the USCA and the other  
provisions of the bill should also be eliminated to preserve the constitution.  
Pursuant to Title 18, United States Code § 4, Plaintiff, Jeffrey Cutler, notifies the  
court of possible ongoing criminal activity directly involved with his civil rights  
action ( No. 5:19-cv-00834 ) and requests the court to notify the Prosecutor's  
Office immediately, and any other criminal justice authorities the court deems  
necessary, to effect and insure the prompt investigation and prosecution of crimes  
involved with this case which includes mail Fraud (18 U.S. Code § 1341), the  
murder of a federal employee (18 U.S. Code § 1114), and Title 18, Section 871.  
The courts have affirmed, it must "afford a liberal reading  
to a complaint filed by a pro se plaintiff," particularly when the plaintiff has no  
formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357  
(D.C.Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) ("A  
document filed pro se is to be liberally construed, and a pro se complaint,

however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotations and citations omitted).

**WHEREFORE**, for all the foregoing reasons, petitioner respectfully requests that this Court declare and establish that the document (Document 00515289904) was a valid NOTICE OF APPEAL with a date of 27JAN2020. This court should also declare the entire Affordable Care Act (Obamacare) law and the law signed in 1942 as Executive Order 9066 by Franklin Roseveltd **UNCONSTITUTIONAL**, during an immediate **ENBANC** review of this case when combined with the writ from case **15-632** and grant a transfer of the rest of this district court case and let a jury determine the penalties for each party.

Respectfully submitted,

DATE: 03 Jan 2020

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

### CERTIFICATE OF SERVICE

4  
I hereby certify that on February 3, 2020, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit via United States Mail or in person. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that all of the other participants or their lawyers in this case are registered CM/ECF users.

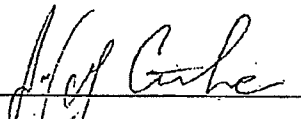
  
Jeffrey Cutler 03 JAN 2020

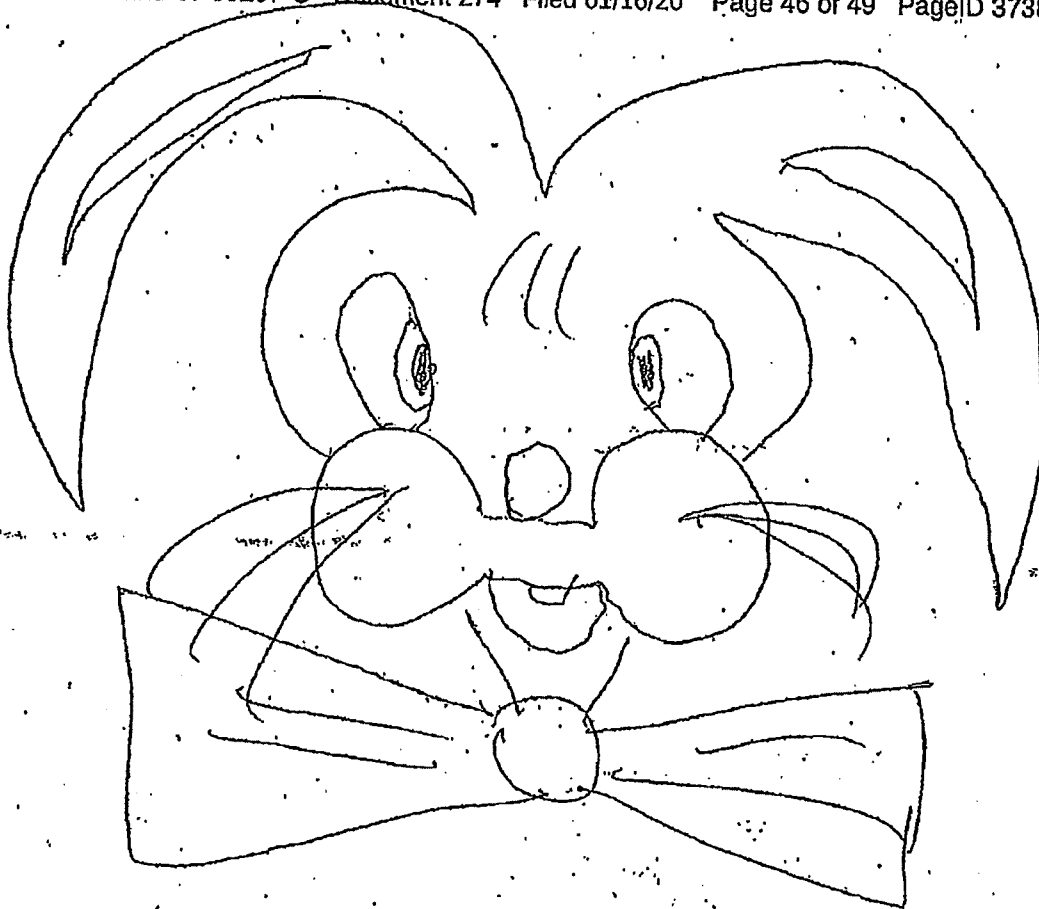
### CERTIFICATION OF COMPLIANCE

This brief complies with the type-volume limitations of Fed. R. AP. P. 35(b)(2) and Circuit Rule 40-1 because this brief contains no more than 15 pages, excluding the parts of the brief exempted by Fed. R. AP. P. 32.

Respectfully submitted,

DATE: 03 Jan 2020

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405



THINK

HARVEY

JLS  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY CUTLER

Plaintiff

v.

NANCY PELOSI IN HER OFFICIAL  
CAPACITY AS SPEAKER OF THE  
HOUSE OF REPRESENTATIVES,

CITIZENS BANK,

FULTON BANK,

WIKIPEDIA FOUNDATION,

VERIZON CORPORATION,

GOOGLE CORPORATION,

ERIE INSURANCE,

STATE FARM INSURANCE,

LEMBERG LAW LLC,

FORD MOTOR COMPANY,

MANHEIM SCHOOL DISTRICT,

HAVERFORD POLICE

DEPARTMENT,

PHILADELPHIA NEWSPAPERS INC,

ASSOCIATED PRESS,

U.S. NEWS AND WORLD REPORTS,

BEND BULLETIN NEWSPAPER,

and

JOHN DOES and JANE DOES,

Defendants

CIVIL CASE NO. 19 0834

JURY TRIAL DEMANDED

COMPLAINT

PRELIMINARY STATEMENT



1. The Fourth Amendment to the United States Constitution, as incorporated against the states by the Fourteenth Amendment, protects the people from unreasonable seizures of their person. The Fourteenth Amendment, also protects persons from unequal treatment under the law, as well as the Fifth Amendment. The Plaintiff in this matter was surrounded by police and detained based on an individual at Citizen's bank trying to conceal and hide a reasonable suspicion, of an illegal act (furtherence of a crime), namely bank robbery (18 USC § 2113) via the internet. The crime was triggered via story by Andrew Maykuth for the Philadelphia Inquirer, philly news targeting Cutler and that it was "using its vast financial resources to enter the bully pulpit by publishing a series of false and defamatory statements an online article ... to smear an individual who was in its view an enemy of the deep state, released to the internet on 11DEC2019 and printed 12DEC2019 which was a link to individuals that carried out the crime, never even mentioning Lisa Michelle Lambert. The story also made light that ordinary individuals should not be elected, and slandered every Jeffrey Cutler and Tax Collector in the United States. Plaintiff's emotional distress, terror, apprehension, anxiety, and humiliation, damage to his reputation and potential long term carreer as an elected official. It also failed to get a release form for the shirt which a copyright was previously applied and the story tried to act as a barometer of when someone is religious and hide all types of political misconduct including mail fraud.

### **JURISDICTION**

Case 5:19-cv-00834-JLS Document 1 Filed 02/26/19 Page 6 of 20

2. This Court has jurisdiction over the subject matter of this Complaint under 42 U.S.C. § 1983 and 28 U.S.C. §§ 1331, 1343(a)(3), 1343(a)(4), and 1367(a).

### **PARTIES**

3. Jeffrey Cutler, the Plaintiff ("Mr. Cutler" or "Plaintiff") is a resident of Bird In Hand, Pennsylvania.
4. Nancy Pelosi is the current speaker of the House of representatives and United States Congresswoman elected from the state of California.
5. Citizen's Bank is a multi-state bank with corporate headquarters in Rhode Island.
6. Fulton Bank is a multi-state bank with corporate headquarters in Lancaster County Pennsylvania.
7. Wikipedia Foundation is an international information depository that is a 503(1)(c) corporation based in the state of California.
8. Verizon Corporation is an international information depository that has a corporate headquarters in New York, State.
9. Google Corporation is an international information depository that has a corporate headquarters in the state of California.
10. Erie Insurance is an insurance company with corporate headquarters in the Commonwealth of Pennsylvania.

- 11.State Farm Insurance is an insurance company with corporate headquarters in the Bloomington, Illinois.  
Case 5:19-cv-00834-JLS Document 1 Filed 02/26/19 Page 7 of 20
- 12.Lemberg Law, LLC is a legal firm with corporate headquarters in Wilton , Connecticut.
- 13.Ford Motor Company is an international manufacturer of vehicles with corporate headquarters in the Dearborn, Michigan.
- 14.MANHEIM SCHOOL DISTRICT is a Pennsylvania government agency for municipality located in the County of Lancaster, Commonwealth of Pennsylvania.
- 15.Haverford is a municipality located in the Delaware County of Commonwealth of Pennsylvania.
- 16.Philadelphia Newspapers Inc. is a media company in Philadelphia County of Commonwealth of Pennsylvania.
- 17.The Associated Press is a media company that has a corporate headquarters in New York, State.
- 18.The U.S. News and World Report that has a corporate headquarters in New York, State.
- 19.Bend Bulletin is a newspaper owned by Western Communications is a media company, operating in Bend Oregon.
- 20.John Doe and Jane Doe defendants are, upon information and belief, members of the Klu Klux Klan or supporters to as “Individual Defendant” or “Individual Defendants”).

## **FACTUAL ALLEGATIONS**

- Case 5:19-cv-00834-JLS Document 1 Filed 02/26/19 Page 8 of 20
- 1) On the evening of February 12, 2019, an Individual Defendant made a false police report (20190212M241O) at the Citizen's Bank in the Giant Supermarket (116 W Township Line Road).
  - 2) The defendant called the police when Mr. Cutler showed the bank manager he had placed a redacted copy of a statement in a document in the United States Court of Appeals case #18-3693 (document # 003113157254 page 10). This is related to CFPB complaint #190213-3828773.
  - 3) At minimum 3 police cruisers were positioned outside the Giant supermarket.
  - 4) Mr. Cutler was surrounded by police officers from the Haverford police department subject to view and suspicion of everyone in the Giant supermarket at the time. Only 2 officers were listed on the report #20190212M241O.
  - 5) Mr. Cutler was prevented from assisting his mother (who has difficulty hearing) or helping review documents being signed. This has been an ongoing effort by members of the Klu Klux Klan or other secret society to target Mr. Cutler for being Jewish and people around him because he challenged Obamacare starting Dec 31, 2013.
  - 6) Mr. Cutler talked to the police officer (Thomas McDermott) and showed him documentation he had with him that demonstrated that he previously run as a write-in candidate for Governor of Pennsylvania (Page 15 – Philadelphia Metro Newspaer, October 24, 2018).

- 7) Mr. Cutler also showed the police officer documentation of the theft that started from the checking account on the same day the money was credited to the money market account.
- 8) At no time did the police question Mr. Cutler's mother about what was going on during the confrontation, while in view of Mr. Cutler. The office of the branch manager is approximately a 10' x 10' enclosure.
- 9) Mr. Cutler was handed a no trespass letter signed by the branch manager (Ralph Rinn) by the haverford police. This letter was similar to the letter he was handed by the East Lampeter Police officers on October 2, 2017 when he was removed illegally from his apartment at 67 Cambridge Village, Lancaster Pa. 17602, in lieu of a legal eviction (which is the basis of case 18-3693). On May 13, 1985, 5 black children (ages 7-13) were murdered when the FBI furnished 2 bombs as a form of eviction.
- 10) The realization that the Individuals surrounding Mr. Cutler were carrying firearms, and tasers provoked feelings of terror, panic and anxiety in Mr. Cutler.
- 11) Mr. Cutler asked officer McDermott if he was related to ADA McDermott of the Philadelphia district attorney's office. Mr. Cutler had previously reported Bank and Insurance fraud to the office of the FBI, and got a CEASE & DESIST email from the FBI, mentioning not to report those crimes to the FBI and not report those crimes to the ADA either.

- 12) On 13FEB2019 when Mr. Cutler got a copy of police report #20190212M2410  
Case 5:19-cv-00834-JLS Document 1 Filed 02/26/19 Page 10 of 20
- he tried to make a complaint about Citizen's bank, but was ignored in this effort.
- 13) On 14FEB2019 Mr. Cutler reported the false Police report by Citizen's bank, #20190214M2515, no investigation has been started to his knowledge. This demonstrates unequal protection under the law. A crime in Chicago is investigated (Jussie Smollet) while this crime is not investigated. A violation of the United States Constitution Ammend 5, equal protection.
- 14) The incident of February 12, 2019 between Individual Defendants and Mr. Cutler has caused mental and emotional suffering to Mr. Cutler, including panic attacks causing Mr. Cutler to physically shake, and nightmares.
- 15) Approximately three days following the incident of February 12, 2019, Mr. Cutler contacted the Police to inquire about information concerning the investigation of the incident and was informed that there were no records pertaining thereto.

## **CLAIMS FOR RELIEF**

### **COUNT I. False Arrest in Violation of the Fourth and Fourteenth Amendments**

- 16) Plaintiff hereby incorporates the allegations contained in paragraphs 1) through 15) and all coclusuions in previous Federal Appeal Court cases by him 17-2709, 18-1816 and 18-3693 and all their underlying documents.
- 17) The Fourth Amendment prohibition against unreasonable searches and seizures, as incorporated against the states through the due process clause of

the Fourteenth Amendment to the United States Constitution prohibits law enforcement officers from making an arrest or investigatory stop without probable cause or reasonable suspicion.

- 18) All defendants acted under color of state law or federal law, in a conspiracy to support the narrative that covers the bank robbery of Mr. Cutler's bank account, theft of 100% of his possessions and all records with zero compensation, despite having 2 insurance policies in effect at the time.
- 19) Individual Defendants violated Plaintiff's constitutional right to be free from unreasonable searches and seizures by confining him, confining him, and without probable cause based on perjured testimony or reasonable suspicion. failed to take steps to properly train and supervise Individual Defendants.
- 20) Specifically, Haverford Township in conspiracy, upon information and belief, was aware that Individual Defendants and/or other police officers arrested individuals in violation of the U.S. Constitution and failed to train, provide proper supervision, or otherwise protect against such abuses.
- 21) Accordingly, Haverford Township is liable for the unconstitutional conduct of Individual Defendants within the meaning of *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

## **COUNT II. False Arrest**

- 22) Plaintiff hereby incorporates the allegations contained in paragraphs (1 through (22, plus the book <https://www.amazon.com/Love-Murder->

Corruption-Lancaster-County/dp/1933822880 and the federal cases it  
Case 5:19-cv-00834-JLS Document 1 Filed 02/26/19 Page 12 of 20

references.

- 23) Individual Defendants intentionally confined Mr. Cutler against Mr. Cutler's will under the threat of lethal force, to conceal a crime bank robbery (18 USC § 2113). They also manufactured evidence to do the same thing to Lisa Michelle Lambert and have confined her in prison for over 25 years.
- 24) Mr. Cutler was confined within fixed boundaries to which there was no reasonable means of escape known to Mr. Cutler.
- 25) Individual Defendants lacked probable cause or reasonable suspicion to confine Mr. Cutler and accordingly, such confinement was not privileged.
- 26) Individual Defendants are agents or employees of Haverford township and were acting within the scope of their agency or employment.
- 27) Accordingly, Haverford Township may be held liable for the tort of false arrest under a *respondeat superior* theory of liability in addition to its failure to train or supervise its agents and employees as referenced in Count I.

### **COUNT III. Invasion of Privacy**

- 28) Plaintiff hereby incorporates the allegations contained in paragraphs (1 through (27.
- 29) Individual Defendants intruded upon the seclusion of Mr. Cutler in confining his person and, accordingly, such Defendants are liable for the tort of invasion of privacy.
- 30) Individual Defendants are agents or employees of Haverford Township and were acting within the scope of their agency or employment.



- 31) Accordingly, Haverford Township and all other conspirators may be held liable for the tort of invasion of privacy under a *respondeat superior* theory of liability in addition to its failure to train or supervise its agents and employees as referenced in Count I.

#### **COUNT IV. Civil Conspiracy**

- 32) Plaintiff hereby incorporates the allegations contained in paragraphs 1) through 31).
- 33) Individual Defendants acted together with a common purpose in committing the unlawful acts alleged in Counts I through III and defendants' acts in carrying out such civil conspiracy caused injury to the plaintiff. Accordingly, Defendants have committed the tort of civil conspiracy.

#### **COUNT V. Conspiracy under Federal Law**

- 34) Plaintiff hereby incorporates the allegations contained in paragraphs 1) through 33).
- 35) Individual Defendants together, in concert, to deprive Mr. Cutler, Lisa Michelle Lambert and William Henry Cosby of the equal protection of the laws and/or equal privileges and immunities under the laws. Accordingly, Defendants have conspired to violate Mr. Cutler's civil rights pursuant to 42 U.S.C.S. § 1985(3), and United States Constitution Amendment 14. The bribing or coercion of a lawyer working to defend an individual is a guarantee of ineffective council. The speaker of the House of Representatives through her lawyers made a false statement in court and violated (18 USC § 1001) on 03JAN2019 on page 24 of the filing in case 4:18-cv-00167-0, a significant federal crime.

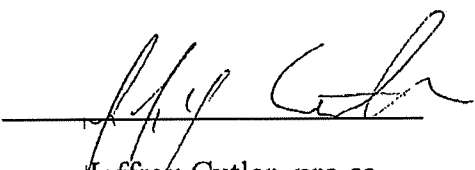
### REQUESTED RELIEF

Wherefore, plaintiff respectfully requests:

- A. Compensatory damages as to all defendants;
- B. Punitive damages as to Individual Defendants, capped at a total maximum amount of 6 Billion Dollars;
- C. Declare "The sections of the "Consolodated Appropriations Act, 2019" **Unconstitutional** that deal with immigration legal assistance. I.E entire section 224 since the goverenment has actively prevented Mr. Cutler from obtaining legal assistance via consent decree, and this violates equal protection of the law and United States Constitution Ammend 5.
- D. Reasonable attorneys' fees and costs;
- E. Declaratory, injunctive and other equitable relief; and
- F. Such other and further relief as may appear just and appropriate. Plaintiff hereby demands a jury trial.

Respectfully submitted,

DATE: 26 FEB 2019

  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

## ADDENDUM



Case 2:17-cv-00984-TON Document 46 Filed 08/04/17 Page 3 of 17  
CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD Document 12 Filed 02/26/19 Page 17 of 20

Jeffrey Cutler To All; Attached is a TAX cert and page 2 of 14 from... Jan 30 ☆  
Milligan, Joseph A. (PH) (FBI) <Joseph.Milligan@ic.fbi> Jan 30 ☆  
to me, John, JAN.MCDERMOTT, Dave  
Mr. Cutler,

Cease and desist adding myself and ADA McDermott to any more of your emails regarding this matter. Special Agent Milligan

From: Jeffrey Cutler [mailto:eltaxcollector@gmail.com]  
Sent: Sunday, January 29, 2017 11:40 PM  
To: Murray, John <JoMurray@psauditor.gov>;  
JAN.MCDERMOTT@phila.gov; Dave Brown  
<dave@pearsonkoutcherlaw.com>; Milligan, Joseph A. (PH) (FBI)  
<Joseph.Milligan@ic.fbi.gov>  
Subject: CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD

Jeffrey Cutler <eltaxcollector@gmail.com> Jan 30 ☆  
to whmcmichael, jhaskins, dyerushalmi, djacob, talobell, Dave  
To All;

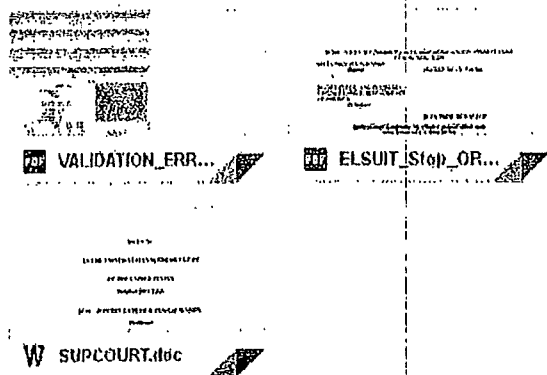
See the message below. I am involved with a bunch of People that are  
ANTI-JEWISH. They are trying to set me up to be accused of THEFT!!! They have  
conspired to delete payment information and try and blame me for stealing!!! They  
are all criminals. The FBI does not want to help. They suggested (FBI) I get a  
lawyer. They just want claim the JEW IS A THIEF!!!

Jeff Cutler

717-854-4718  
215-872-5715

717-854-4718

### 3 Attachments



Devon Jacob Jeffrey, do not contact me again for any reason. If you do... Jan 30 ☆  
Jeffrey Cutler Lonnie... No Friends Jeff Cutler Jan 30 ☆  
Jeffrey Cutler Justin; It must be my breath. Jeff Cutler Jan 30 ☆

Filed 02/25/19 Page 18 of 20



Mail Fraud Complaint FDIC COMPLAINT 00930188 POLICE WW-18-08791

Your Information CFPB COMPLAINT 180918-3482888

Company Name: JEFFREY  
 \* First Name: JEFFREY \* Last Name: CUTLER  
 \* Address: P.O. BOX 2806  
 \* City: YORK  
 \* State: Select One...  
 \* ZIP Code: 17405-2806  
 \* Country: UNITED STATES  
 Cell Phone: (215) 872-5715 Work Phone: (215) 631-9583  
 Home Phone: (717) 654-4718 Fax:  
 Email Address: elixcollector@gmail.com  
 Age Range: 65-64

## Complaint Filed Against

Company Name: FULTON BANK  
 First Name: MARK Last Name: KATKOVICH  
 Address: ONE PENN SQUARE  
 City: LANCASTER  
 State: Pennsylvania  
 ZIP Code: 17602  
 Country: UNITED STATES  
 Cell Phone: (494) 653-4615 Work Phone: (717) 824-8417  
 Home Phone: Fax:  
 Email Address: mkatkovich@fultonbank.com  
 Website Address:

## How Were You Contacted?

How were you contacted? ☒ US Mail  
 On what date were you contacted? 07/25/2018  
 Do you have the envelope it was mailed in? ☐ Yes ☒ No

## How Did You Respond to This Offer?

How did you respond to this offer? ☒ In Person  
 Response Mailed to a Different Address: ☐ Yes ☒ No

Company Name: FULTON BANK Last Name:  
 First Name:  
 Address: 155 Swedesford Road  
 City: EXTON  
 State: Pennsylvania  
 ZIP Code: 19341  
 Country: UNITED STATES  
 Do you have a mailing receipt (credit card, insured or express mail)? ☐ Yes ☒ No  
 Mail Receipt Number: 235/5100/0001

## What did you receive?

RECEIPT FOR ACCOUNT  
 OFFER REQUIRED I MAKE A DEPOSIT BY AUGUST 23, 2018 TO KEEP ACCOUNT OPEN. ON AUGUST 01, 2018 I MADE A \$ 251.00 DEPOSIT TO ACCOUNT. ON SEPTEMBER 20, 2018 I WAS CALLED BY MR.

How much did the company ask you to pay (\$)? 251.00  
 Do you have the item? ☐ Yes ☒ No  
 How was it delivered? ☒ In Person  
 Did you contact the company or person about the complaint? ☐ Yes ☒ No  
 Date Last Contacted Company or Person: 09/21/2018

## Did You Lose Money?

Lose Money: ☐ Yes ☒ No  
 Payment Type: Money Transfer Service  
 Payment Amount(\$): 900,000.00  
 Payment Date: 04/03/2017  
 Money Transfer Service Type: Other  
 Other:  
 Money Transfer Number: UNKNOWN  
 City: LANCASTER  
 State: Pennsylvania  
 ZIP Code: 17602  
 Country: UNITED STATES

MAIL FRAUD C#1884921 SEP 28, 2018 5:22 AM

Case 5:19-cv-00834-JLS Document 1 Filed 02/26/19 Page 19 of 20



UNITED STATES POSTAL INSPECTION SERVICE

CRIMINAL INVESTIGATIONS SERVICE CENTER

02/19/2019

Ref: C|FMM|013|S1437380|C1896019

Dear Postal Customer:

Thank you for the information you provided this office regarding:

TINO CABRAL  
CITIZENS BANK  
1 CITIZENS BANK WAY  
JOHNSTON RI 02919-1922

A review of this matter indicates that your complaint would be best handled by:

INSPECTOR IN CHARGE  
USPIS BOSTON DHQ  
495 SUMMER ST SUITE 600  
BOSTON MA 02210-2114

Please be advised that your complaint has been forwarded to the address above for whatever action they deem appropriate. Any future concerns relating to this matter should be directed to the address shown above.

Sincerely,

MANAGER  
CRIMINAL INVESTIGATIONS SERVICE CENTER

433 W HARRISON STREET ROOM 3255  
CHICAGO IL 60699-3255  
TELEPHONE: 800-372-8347  
FAX: 312-669-5651



No. 15-632 [14-5183]

**In the Supreme Court of the United States**

**JEFFREY CUTLER,**

**Petitioner,**

५.

UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, *et al.*,  
*Respondents*

*On Petition for Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit*

**PETITION FOR WRIT OF CERTIORARI**

**ROBERT JOSEPH MOISE**

### Counsel of Record

**American Freedom Law Center**

**P.O. Box 131098**

Ann Arbor, MI 48113

(734) 685-3756

**runrise@americantreadonlineawcenter.org**

**DAVID YERUSEHALMI**

**American Freedom Law Center**

1901 Pennsylvania Ave. N.W. Suite 201

Washington, D.C. 20005

(646) 262-0500

[dverushalmi@americafreedomlawcenter.org](mailto:dverushalmi@americafreedomlawcenter.org)

***Counsel for Petitioner***

Becker Gallagher • Cincinnati, OH • Washington, D.C. • 800.890.5001

**PETITION FOR WRIT OF CERTIORARI**

**OPTIONS BELOW**

**The opinion of the court of appeals appears at App. 1 and is reported at 2015 U.S. App. LEXIS 14268. The opinion of the district court appears at App. 23 and is reported at 52 F. Supp. 3d 27.**

## JURISDICTION

The opinion of the court of appeals was entered on August 14, 2015. App. I. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

## CONSTITUTIONAL PROVISIONS INVOLVED

**The Establishment Clause of the First Amendment provides, "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I**

The Fifth Amendment provides, in relevant part, "No person shall . . . be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V.



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES	)	
	)	
Plaintiff	)	<b>CASE NO. 2:19-cr-00367</b>
	)	
v.	)	
	)	
JOESPH R. JOHNSON	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant	)	
	)	

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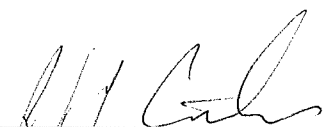
**CERTIFICATE OF SERVICE**

## CERTIFICATE OF SERVICE

I Jeffrey Cutler, do hereby certify that I as of this day I have caused and correctly served a copy of **CERTIFICATE OF SERVICE** from 04MAR2020 to PARTIES that are part of the cm/ecf system and have made a notice of appearance as well as those addressed and specified below via first class mail or email and all other previously served Defendants, and all parties which are not represented by lawyers, of which none are specified.

Date:

04 MAR 2020

  
\_\_\_\_\_  
Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405